

1 HB432
2 214824-1
3 By Representative Ball
4 RFD: Ethics and Campaign Finance
5 First Read: 02-MAR-22

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8 SYNOPSIS: Under existing law, the State Ethics
9 Commission is responsible for administering and
10 enforcing the code of ethics for public officials
11 and public employees. The commission is comprised
12 of five members appointed on a rotating basis by
13 the Governor, Lieutenant Governor, and Speaker of
14 the House of Representatives.

15 Under existing law, the State Ethics
16 Commission may impose administrative penalties for
17 minor violations, but refers cases for all other
18 enforcement of the code of ethics to the Attorney
19 General or the appropriate district attorney. The
20 Attorney General or a district attorney may also
21 initiate an enforcement action against a public
22 official or public employee without involving the
23 State Ethics Commission.

24 This bill would require the Attorney
25 General, a district attorney, or any other law
26 enforcement agency that initiates an investigation

1 of a suspected violation of code of ethics to
2 notify and cooperate with the commission.

3 This bill would prohibit the Attorney
4 General or a district attorney from presenting a
5 suspected ethics violation by an individual subject
6 to the code of ethics, other than a member or
7 employee of the commission, to a grand jury without
8 a referral by the commission.

9 This bill would add a sixth member to the
10 State Ethics Commission, extend the members' terms
11 to six years, revise qualifications, and add as
12 appointing officials to membership of the
13 commission the presiding judges of the Court of
14 Civil Appeals, the Court of Criminal Appeals, and
15 the President Pro Tem of the Senate.

16 This bill would revise certain prohibitions
17 on offering and accepting of gifts from a lobbyist
18 or principal to a public official or public
19 employee, as well as offering and accepting of
20 gifts from certain regulated entities to a public
21 official or public employee, with certain
22 exceptions.

23 This bill would establish standards for
24 outside employment by a public official or public
25 employee.

1 This bill would revise revolving door,
2 conflict of interest, and statement of economic
3 interests provisions.

4 This bill would revise whistleblower
5 protections for public employees who report ethics
6 violations.

7 This bill would move a criminal prohibition
8 against a person using his or her official
9 authority or position for influencing the vote or
10 political action of any person from the elections
11 code to the code of ethics.

12 This bill would authorize the State Ethics
13 Commission to issue public reprimands or private
14 censures for minor, nonsubstantative violations of
15 the code of ethics where the offender did not
16 realize any economic gain.

17 This bill would delete unnecessary
18 definitions, simplify definitions, and revise
19 certain definitions.

20 This bill would delete duplicative language
21 and consolidate reporting requirements in the code
22 of ethics.

23 This bill would also make nonsubstantive,
24 technical revisions to update the existing code
25 language to current style.

26 Amendment 621 of the Constitution of Alabama
27 of 1901, now appearing as Section 111.05 of the

1 Official ReCompilation of the Constitution of
2 Alabama of 1901, as amended, prohibits a general
3 law whose purpose or effect would be to require a
4 new or increased expenditure of local funds from
5 becoming effective with regard to a local
6 governmental entity without enactment by a 2/3 vote
7 unless: it comes within one of a number of
8 specified exceptions; it is approved by the
9 affected entity; or the Legislature appropriates
10 funds, or provides a local source of revenue, to
11 the entity for the purpose.

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

19
20 A BILL
21 TO BE ENTITLED
22 AN ACT
23

24 Relating to ethics; to amend Sections 11-3-5,
25 36-25-1, 36-25-3, 36-25-4, 36-25-4.1, 36-25-4.3, 36-25-5,
26 36-25-5.1, 36-25-7, 36-25-8, 36-25-9, 36-25-10, 36-25-12,
27 36-25-13, 36-25-14, 36-25-15, 36-25-16, 36-25-17, 36-25-18,

1 36-25-19, 36-25-23, 36-25-24, and 36-25-27, Code of Alabama
2 1975; to repeal Sections 17-17-4, 36-25-1.1, 36-25-1.3,
3 36-25-5.2, 36-25-6, 36-25-11, and 36-25-22 of the Code of
4 Alabama 1975; to require a law enforcement officer who
5 initiates an investigation of a suspected ethics violation to
6 notify and cooperate with the State Ethics Commission; to
7 prohibit the Attorney General or a district attorney from
8 presenting a suspected ethics violation to a grand jury
9 without a referral by the commission, unless the suspected
10 violation is committed by a member or employee of the
11 commission; to add a member to the State Ethics Commission and
12 extend the term; to provide further for the appointments and
13 duties of the commission; to revise the gift ban, conflict of
14 interest provisions, revolving door provisions, and
15 whistleblower protections; to provide further for filing of
16 statements of economic interests; to prohibit a public
17 official or public employee from using his or her official
18 authority or position for influencing the vote or political
19 action of any individual under the code of ethics; to revise
20 definitions; to delete duplicative language and consolidate
21 reporting requirements; to make nonsubstantive, technical
22 revisions to update the existing code language to current
23 style; to add Section 36-25-5.3 to the Code of Alabama 1975,
24 to provide further for outside employment by a public official
25 or public employee; and in connection therewith would have as
26 its purpose or effect the requirement of a new or increased
27 expenditure of local funds within the meaning of Amendment 621

1 of the Constitution of Alabama of 1901, now appearing as
2 Section 111.05 of the Official ReCompilation of the
3 Constitution of Alabama of 1901, as amended.

4 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

5 Section 1. Sections 11-3-5, 36-25-1, 36-25-3,
6 36-25-4, 36-25-4.1, 36-25-4.3, 36-25-5, and 36-25-5.1 of the
7 Code of Alabama 1975, are amended to read as follows:

8 "§11-3-5.

9 "(a) ~~Except where a contract for goods or services~~
10 ~~is competitively bid regardless of whether bidding is required~~
11 ~~under Alabama's competitive bid law, no member of any county~~
12 ~~commission and no business with which any county commissioner~~
13 ~~is associated shall~~ A county commissioner, family member of a
14 county commissioner, or associated business of a county
15 commissioner may not be a party to any contract for goods or
16 services with the county commission on which he or she serves,
17 unless the contract is competitively bid, regardless of
18 whether bidding is required under the competitive bid laws of
19 this state. ~~Except where a contract for goods or services is~~
20 ~~competitively bid regardless of whether bidding is required~~
21 ~~under Alabama's competitive bid law, no county commission~~
22 ~~shall award any contract to a family member of a county~~
23 ~~commissioner.~~ Under no circumstances shall a county
24 commissioner participate in the bid preparation or review of a
25 bid that is received from the county commissioner, ~~a business~~
26 ~~with which he or she is associated,~~ or a family member of the
27 county commissioner, or an associated business of the county

1 commissioner, and a county commissioner shall not deliberate
2 or vote on acceptance of a bid submitted by the county
3 commissioner, ~~a business with which he or she is associated,~~
4 ~~or~~ a family member of the county commissioner, or an
5 associated business of the county commissioner.

6 "(b) ~~No~~ A county commissioner ~~shall~~ may not employ a
7 family member to do any work for the county; provided,
8 however, the family member of a county commissioner may be
9 employed by the county if the family member is hired pursuant
10 to a county personnel policy that does not require a vote of
11 the county commission or if the county commissioner does not
12 participate in the hiring process through recommendation,
13 deliberation, vote, or otherwise.

14 "(c) Any county commissioner in violation of this
15 section shall be guilty of a Class A misdemeanor.

16 "(d) ~~In compliance with Section 36-25-11, any~~ Any
17 contract executed ~~with a member of the county commission or~~
18 ~~with a business with which a county commissioner is associated~~
19 ~~shall be filed with the Ethics Commission within 10 days after~~
20 ~~the contract has been executed~~ by a county with a county
21 commissioner, with a family member of a county commissioner,
22 or with an associated business of a county commissioner as
23 authorized under this section shall comply with the
24 notification requirements in subsection (c) of Section
25 36-25-11.

26 "(e) Any contract executed in violation of this
27 section shall be void by operation of law and any ~~person~~

1 individual employed by the county in violation of this section
2 shall forfeit his or her employment by operation of law.

3 "(f) For the purposes of this section, the
4 definition of family member shall be the same as the
5 definition in subdivision (15) of Section 36-25-1 for the
6 family member of a public official the terms "family member"
7 and "associated business" shall have the same meanings as
8 defined in Section 36-25-1.

9 "§36-25-1.

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

12 "(1) ASSOCIATED BUSINESS. A business of which an
13 individual or a family member of the individual is an officer,
14 director, owner, partner, employee, consultant, or holder of
15 more than five percent of the fair market value of the
16 business.

17 "(1)(2) BUSINESS. Any corporation, partnership,
18 proprietorship, firm, enterprise, franchise, association,
19 organization, or self-employed individual, or any other legal
20 entity.

21 "(2) BUSINESS WITH WHICH THE PERSON IS ASSOCIATED.
22 Any business of which the person or a member of his or her
23 family is an officer, owner, partner, board of director
24 member, employee, or holder of more than five percent of the
25 fair market value of the business.

1 ~~"(3) CANDIDATE. This term as used in this chapter~~
2 ~~shall have the same meaning ascribed to it~~ The term as defined
3 ~~in Section 17-5-2.~~

4 "(4) COMMISSION. The State Ethics Commission.

5 ~~"(5) COMPLAINT. Written allegation or allegations~~
6 ~~that a violation of this chapter has occurred.~~

7 ~~"(6) COMPLAINANT. A person who alleges a violation~~
8 ~~or violations of this chapter by filing a complaint against a~~
9 ~~respondent.~~

10 ~~"(7) (5) CONFIDENTIAL INFORMATION. A complaint filed~~
11 ~~pursuant to this chapter, together with any statement,~~
12 ~~conversations, knowledge of evidence, or information received~~
13 ~~from the complainant, witness, or other person related to such~~
14 ~~complaint~~ Any information accessible to a public official or
15 public employee by virtue of his or her official position that
16 is not by law available to the public.

17 ~~"(8) (6) CONFLICT OF INTEREST. A conflict on the part~~
18 ~~of a public official or public employee between his or her~~
19 ~~private interests and the official responsibilities inherent~~
20 ~~in an office of public trust. A conflict of interest involves~~
21 ~~any action, inaction, or decision by a public official or~~
22 ~~public employee in the discharge of his or her official duties~~
23 ~~which would materially affect his or her financial interest or~~
24 ~~those of his or her family members or any business with which~~
25 ~~the person is associated in a manner different from the manner~~
26 ~~it affects the other members of the class to which he or she~~
27 ~~belongs.~~

1 "a. A substantial financial interest that materially
2 and uniquely affects a public official, public employee,
3 family member of the public official or public employee, or an
4 associated business of the public official or public employee,
5 in a manner different from the manner in which the financial
6 interest affects other members of the class to which that
7 public official, public employee, family member, or associated
8 business belongs.

9 ~~"b. A conflict of interest shall~~ The term does not
10 include any of the following:

11 ~~"a. 1.~~ A loan or financial transaction made or
12 conducted in the ordinary course of business.

13 ~~"b. 2.~~ An occasional nonpecuniary award publicly
14 presented by an organization for performance of public
15 service.

16 ~~"c. 3.~~ Payment of or reimbursement for actual and
17 necessary expenditures for travel and subsistence for the
18 personal attendance of a public official or public employee at
19 a convention or other meeting at which he or she is scheduled
20 to meaningfully participate in connection with his or her
21 official duties and for which attendance no reimbursement is
22 made by the state.

23 ~~"d. 4.~~ Any campaign contribution, including the
24 purchase of tickets to, or advertisements in journals, ~~for,~~
25 political or testimonial dinners, if the contribution is
26 actually used for political purposes and is not given under
27 circumstances from which it could reasonably be inferred that

1 the purpose of the contribution is to substantially influence
2 a public official in the performance of his or her official
3 duties.

4 "(7) CONSULTANT. An individual who, for
5 compensation, provides professional services and advice based
6 on the individual's expertise in a field or profession.

7 "(9)(8) DAY. Calendar day.

8 ~~"(10)(9) DEPENDENT. Any person, regardless of his or~~
9 ~~her legal residence or domicile, who receives 50 percent or~~
10 ~~more of his or her support from the public official or public~~
11 ~~employee or his or her spouse or who resided with the public~~
12 ~~official or public employee for more than 180 days during the~~
13 ~~reporting period~~ individual claimed as a dependent on the
14 state or federal tax return of the public official or public
15 employee or his or her spouse.

16 ~~"(11)(10) DE MINIMIS. A~~ Anything having a value of
17 twenty-five dollars (\$25) or less per recipient per occasion
18 and an aggregate of fifty dollars (\$50) or less per recipient
19 in a calendar year from any single provider or having no
20 intrinsic resale value., or such other amounts as may be
21 ~~prescribed by the Ethics Commission from time to time by rule~~
22 ~~pursuant to the Administrative Procedure Act or adjusted each~~
23 ~~four years from August 1, 2012, to reflect any increase in the~~
24 ~~cost of living as indicated by the United States Department of~~
25 ~~Labor Consumer Price Index or any succeeding equivalent index~~
26 The value shall be adjusted by five-dollar (\$5) increments by
27 the commission not later than January 1 following any year in

1 which the value, as adjusted pursuant to the U.S. Department
2 of Labor's Consumer Price Index or a successor index, exceeds
3 the current amount by five dollars (\$5) or more.

4 "(12) (11) ECONOMIC DEVELOPMENT FUNCTION. Any
5 function reasonably and directly related to the advancement of
6 a specific, good-faith economic development or trade promotion
7 project or objective.

8 "(12) ECONOMIC DEVELOPMENT PROFESSIONAL.

9 "a. An individual seeking to advance specific, good
10 faith economic development or trade promotion projects or
11 related objectives for a business; a chamber of commerce or
12 similar nonprofit economic development organization in this
13 state; a city, a county, or other political subdivision of the
14 state; or a governmental corporation or authority.

15 "b. The term does not include elected officials,
16 legislators, or any former legislator within two years of the
17 end of the term for which he or she was elected.

18 "(13) EDUCATIONAL FUNCTION. A meeting, event, or
19 activity held within the State of Alabama, or if the function
20 is predominantly attended by participants from other states,
21 held within the continental United States, which is organized
22 around a formal program or agenda of educational or
23 informational speeches, debates, panel discussions, or other
24 presentations concerning matters within the scope of the
25 participants' official duties or other matters of public
26 policy, including social services and community development
27 policies, economic development or trade, ethics, government

1 services or programs, or government operations, and which,
2 taking into account the totality of the program or agenda,
3 could not reasonably be perceived as a subterfuge for a purely
4 social, recreational, or entertainment function.

5 "(14) ENTITY. A business, union, association, firm,
6 committee, club, organization, or other legal entity.

7 ~~"(14)(15) FAMILY MEMBER OF THE PUBLIC EMPLOYEE. The~~
8 ~~spouse or a dependent of the public employee.~~

9 ~~"(15) FAMILY MEMBER OF THE PUBLIC OFFICIAL. The~~
10 ~~spouse, a dependent, an adult child and his or her spouse, a~~
11 ~~parent, a spouse's parents, a sibling and his or her spouse,~~
12 ~~of the public official.~~

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

18 ~~"(17) GOVERNMENTAL CORPORATIONS AND AUTHORITIES~~
19 ~~CORPORATION OR AUTHORITY. Public A public or private~~
20 ~~corporations and authorities corporation or authority,~~
21 ~~including, but not limited to, hospitals a hospital or other~~
22 ~~health care corporations corporation, established pursuant to~~
23 ~~state law by state, county, or municipal governments for the~~
24 ~~purpose of carrying out a specific governmental function.~~
25 ~~Notwithstanding the foregoing, all employees, including~~
26 ~~contract employees, of hospitals or other health care~~

1 ~~corporations and authorities are exempt from the provisions of~~
2 ~~this chapter.~~

3 ~~"(17) HOUSEHOLD. The public official, public~~
4 ~~employee, and his or her spouse and dependents.~~

5 ~~"(18) LAW ENFORCEMENT OFFICER. A full-time employee~~
6 ~~of a governmental unit responsible for the prevention or~~
7 ~~investigation of crime who is authorized by law to carry~~
8 ~~firearms, execute search warrants, and make arrests A state,~~
9 ~~county, or municipal officer certified by the Alabama Peace~~
10 ~~Officers' Standards and Training Commission.~~

11 ~~"(19) LEGISLATIVE BODY. The term "legislative body"~~
12 ~~includes All of the following:~~

13 ~~"a. The Legislature of Alabama, which includes both~~
14 ~~the Senate of Alabama and the House of Representatives of~~
15 ~~Alabama, unless specified otherwise by the express language ~~of~~~~
16 ~~any provision herein in this chapter, and any committee or~~
17 ~~subcommittee thereof.~~

18 ~~"b. A county commission, and any committee or~~
19 ~~subcommittee thereof.~~

20 ~~"c. A city council, city commission, town council,~~
21 ~~or other municipal council or commission, and any committee or~~
22 ~~subcommittee thereof.~~

23 ~~"(20) LOBBY or LOBBYING. The practice of promoting,~~
24 ~~opposing, or in any manner influencing or attempting to~~
25 ~~influence the introduction, defeat, or enactment of~~
26 ~~legislation before any legislative body; opposing or in any~~
27 ~~manner influencing the executive approval, veto, or amendment~~

1 of legislation; or the practice of promoting, opposing, or in
2 any manner influencing or attempting to influence the
3 enactment, promulgation, modification, or deletion of
4 regulations before any regulatory body. The term does not
5 include providing public testimony before a legislative body
6 or regulatory body or any committee thereof.

7 "a. Any act to influence or attempt to influence any
8 legislative action or rulemaking action.

9 "b. The term does not include any of the following:

10 "1. Providing public testimony before a legislative
11 body or as part of an administrative proceeding.

12 "2. Carrying out ongoing negotiations following the
13 award of a bid or contract.

14 "3. Rendering legal services in a legal matter
15 before a governmental agency.

16 "4. Responding to a government request for
17 information.

18 "5. Providing professional services in drafting
19 bills, advising clients, and rendering opinions as to the
20 construction and effect of proposed or pending legislation,
21 executive action, or rules.

22 "(21) LOBBYIST.

23 ~~"a. The term lobbyist includes any of the following:~~

24 ~~"1. A person who~~ a. An individual or entity that
25 receives compensation or reimbursement from another person,
26 group, or entity to lobby engage in lobbying. The term
27 includes an employee who engages in lobbying as a regular and

1 usual part of employment, whether or not any compensation in
2 addition to regular salary and benefits is received.

3 ~~"2. A person who lobbies as a regular and usual part~~
4 ~~of employment, whether or not any compensation in addition to~~
5 ~~regular salary and benefits is received.~~

6 ~~"3. A consultant to the state, county, or municipal~~
7 ~~levels of government or their instrumentalities, in any manner~~
8 ~~employed to influence legislation or regulation, regardless~~
9 ~~whether the consultant is paid in whole or part from state,~~
10 ~~county, municipal, or private funds.~~

11 ~~"4. An employee, a paid consultant, or a member of~~
12 ~~the staff of a lobbyist, whether or not he or she is paid, who~~
13 ~~regularly communicates with members of a legislative body~~
14 ~~regarding pending legislation and other matters while the~~
15 ~~legislative body is in session.~~

16 "b. The term lobbyist does not include any of the
17 following:

18 "1. ~~An elected~~ A public official or public employee
19 ~~on a matter which involves that person's~~ who lobbies as part
20 of his or her official duties.

21 ~~"2. A person or attorney rendering professional~~
22 ~~services in drafting bills or in advising clients and in~~
23 ~~rendering opinions as to the construction and effect of~~
24 ~~proposed or pending legislation, executive action, or rules or~~
25 ~~regulations, where those professional services are not~~
26 ~~otherwise connected with legislative, executive, or regulatory~~
27 ~~action.~~

1 ~~"3. Reporters and editors while pursuing normal~~
2 ~~reportorial and editorial duties.~~

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

9 ~~"4. Any citizen not lobbying for compensation who~~
10 ~~contacts a member of a legislative body, or gives public~~
11 ~~testimony on a particular issue or on particular legislation,~~
12 ~~or for the purpose of influencing legislation and who is~~
13 ~~merely exercising his or her constitutional right to~~
14 ~~communicate with members of a legislative body.~~

15 ~~"5. A person who appears before a legislative body,~~
16 ~~a regulatory body, or an executive agency to either sell or~~
17 ~~purchase goods or services.~~

18 ~~"6. A person whose primary duties or~~
19 ~~responsibilities do not include lobbying, but who may, from~~
20 ~~time to time, organize social events for members of a~~
21 ~~legislative body to meet and confer with members of~~
22 ~~professional organizations and who may have only irregular~~
23 ~~contacts with members of a legislative body when the body is~~
24 ~~not in session or when the body is in recess.~~

25 ~~"7. A person who is a member of a business,~~
26 ~~professional, or membership organization by virtue of the~~
27 ~~person's contribution to or payment of dues to the~~

1 ~~organization even though the organization engages in lobbying~~
2 ~~activities.~~

3 ~~"8. A state governmental agency head or his or her~~
4 ~~designee who provides or communicates, or both, information~~
5 ~~relating to policy or positions, or both, affecting the~~
6 ~~governmental agencies which he or she represents.~~

7 ~~"(22) MINOR VIOLATION.~~

8 ~~"a. Any violation of this chapter in which the~~
9 ~~public official receives an economic gain in an amount less~~
10 ~~than one thousand five hundred dollars (\$1,500) or the~~
11 ~~governmental entity has an economic loss of less than one~~
12 ~~thousand five hundred dollars (\$1,500).~~

13 ~~"b. Any violation of this chapter by a public~~
14 ~~employee as determined in the discretion of the commission and~~
15 ~~the Attorney General or the district attorney for the~~
16 ~~appropriate jurisdiction based upon consideration of the~~
17 ~~following factors:~~

18 ~~"1. The public employee has made substantial or full~~
19 ~~restitution to the victim or victims.~~

20 ~~"2. The violation did not involve multiple~~
21 ~~participants.~~

22 ~~"3. The violation did not involve great monetary~~
23 ~~gain to the public employee or great monetary loss to the~~
24 ~~victim or victims.~~

25 ~~"4. The violation did not involve a high degree of~~
26 ~~sophistication or planning, did not occur over a lengthy~~
27 ~~period of time, or did not involve multiple victims and did~~

1 ~~not involve a single victim that was victimized more than~~
2 ~~once.~~

3 ~~"5. The public employee has resigned or been~~
4 ~~terminated from the position occupied during which the~~
5 ~~violation occurred and is otherwise not a current public~~
6 ~~employee.~~

7 ~~"(23) (22) PERSON. A business, individual,~~
8 ~~corporation, partnership, union, association, firm, committee,~~
9 ~~club, or other organization or group of persons or entity.~~

10 ~~"(24) (23) PRINCIPAL. A person or business which Any~~
11 ~~of the following:~~

12 ~~"a. An individual who employs, hires, or otherwise~~
13 ~~retains a lobbyist. A principal is not a lobbyist but is not~~
14 ~~allowed to give a thing of value.~~

15 ~~"b. A business or other entity that employs, hires,~~
16 ~~or otherwise retains a lobbyist.~~

17 ~~"c. An individual acting on behalf of a principal~~
18 ~~who has the responsibility and authority to fire the lobbyist~~
19 ~~or to control the positions or directives of the lobbyist's~~
20 ~~activities and the manner in which those activities are~~
21 ~~carried out. For purposes of this paragraph, the term does not~~
22 ~~include either of the following:~~

23 ~~"1. An individual merely lending subject matter~~
24 ~~expertise to the lobbyist.~~

25 ~~"2. An individual participating in the process of~~
26 ~~determining policy positions or receiving updates as to the~~

1 status of lobbying activities by virtue of being a member,
2 director, employee, or officer of a principal.

3 ~~"(25) PROBABLE CAUSE. A finding that the allegations~~
4 ~~are more likely than not to have occurred.~~

5 ~~"(26)~~ (24) PUBLIC EMPLOYEE.

6 "a. Any ~~person~~ individual employed ~~at~~ by the state,
7 a county, or municipal level of government a municipality or
8 any of their instrumentalities, including governmental
9 corporations and authorities, but excluding employees of
10 hospitals or other health care corporations including contract
11 employees of those hospitals or other health care
12 corporations, who is paid in whole or in part from state,
13 county, or municipal funds. For purposes of this chapter, a
14 public employee does not include a person employed on a
15 part-time basis whose employment is limited to providing
16 professional services other than lobbying, the compensation
17 for which constitutes less than 50 percent of the part-time
18 employee's income a governmental corporation or authority.

19 "b. The term does not include an employee, including
20 a contract employee, of a hospital or other health care
21 corporation or authority.

22 ~~"(27)~~ (25) PUBLIC OFFICIAL. Any ~~person~~ individual
23 elected to public office, whether or not that ~~person~~
24 individual has taken office, by the vote of the people at
25 state, county, or municipal level of government or their
26 instrumentalities, including governmental corporations, and
27 any ~~person~~ individual appointed to a position at the state,

1 county, or municipal level of government or their
2 instrumentalities, including governmental corporations. For
3 purposes of this chapter, a public official includes the
4 chairs and ~~vice-chairs~~ vice chairs or the equivalent offices
5 of each state political party as defined in Section 17-13-40.

6 ~~"(28) (26) REGULATORY BODY. A state agency which~~
7 ~~issues regulations in accordance with the Alabama~~
8 ~~Administrative Procedure Act or a state, county, or municipal~~
9 ~~department, agency, board, or commission which controls,~~
10 ~~according to rule or regulation, that regulates the~~
11 ~~professional activities, business licensure, or functions of~~
12 ~~any group, person, or persons.~~

13 ~~"(29) REPORTING PERIOD. The reporting official's or~~
14 ~~employee's fiscal tax year as it applies to his or her United~~
15 ~~States personal income tax return.~~

16 ~~"(30) REPORTING YEAR. The reporting official's or~~
17 ~~employee's fiscal tax year as it applies to his or her United~~
18 ~~States personal income tax return.~~

19 ~~"(31) RESPONDENT. A person alleged to have violated~~
20 ~~a provision of this chapter and against whom a complaint has~~
21 ~~been filed with the commission.~~

22 ~~"(32) (27) STATEMENT OF ECONOMIC INTERESTS. A~~
23 ~~financial disclosure form made available by the commission~~
24 ~~which shall be completed and filed with the commission prior~~
25 ~~to April 30 of each year covering the preceding calendar year~~
26 ~~by certain public officials and public employees pursuant to~~
27 ~~Section 36-25-14.~~

1 "~~(33)~~(28) SUPERVISOR. Any ~~person~~ individual having
2 authority to hire, transfer, suspend, lay off, recall,
3 promote, discharge, assign, or discipline other public
4 employees, or any ~~person~~ individual responsible to direct
5 them, or to adjust their grievances, or to recommend personnel
6 action, if, in connection with the foregoing, the exercise of
7 the authority is not of a merely routine or clerical nature
8 but requires the use of independent judgment.

9 "~~(34) THING OF VALUE.~~

10 "~~a. Any gift, benefit, favor, service, gratuity,
11 tickets or passes to an entertainment, social or sporting
12 event, unsecured loan, other than those loans and forbearances
13 made in the ordinary course of business, reward, promise of
14 future employment, or honoraria or other item of monetary
15 value.~~

16 "~~b. The term, thing of value, does not include any
17 of the following, provided that no particular course of action
18 is required as a condition to the receipt thereof:~~

19 "~~1. A contribution reported under Chapter 5 of Title
20 17 or a contribution to an inaugural or transition committee.~~

21 "~~2. Anything given by a family member of the
22 recipient under circumstances which make it clear that it is
23 motivated by a family relationship.~~

24 "~~3. Anything given by a friend of the recipient
25 under circumstances which make it clear that it is motivated
26 by a friendship and not given because of the recipient's
27 official position. Relevant factors include whether the~~

1 friendship preexisted the recipient's status as a public
2 employee, public official, or candidate and whether gifts have
3 been previously exchanged between them.

4 "4. Greeting cards, and other items, services with
5 little intrinsic value which are intended solely for
6 presentation, such as plaques, certificates, and trophies,
7 promotional items commonly distributed to the general public,
8 and items or services of de minimis value.

9 "5. Loans from banks and other financial
10 institutions on terms generally available to the public.

11 "6. Opportunities and benefits, including favorable
12 rates and commercial discounts, available to the public or to
13 a class consisting of all government employees.

14 "7. Rewards and prizes given to competitors in
15 contests or events, including random drawings, which are open
16 to the public.

17 "8. Anything that is paid for by a governmental
18 entity or an entity created by a governmental entity to
19 support the governmental entity or secured by a governmental
20 entity under contract, except for tickets to a sporting event
21 offered by an educational institution to anyone other than
22 faculty, staff, or administration of the institution.

23 "9. Anything for which the recipient pays full
24 value.

25 "10. Compensation and other benefits earned from a
26 non-government employer, vendor, client, prospective employer,
27 or other business relationship in the ordinary course of

1 ~~employment or non-governmental business activities under~~
2 ~~circumstances which make it clear that the thing is provided~~
3 ~~for reasons unrelated to the recipient's public service as a~~
4 ~~public official or public employee.~~

5 ~~"11. Any assistance provided or rendered in~~
6 ~~connection with a safety or a health emergency.~~

7 ~~"12. Payment of or reimbursement for actual and~~
8 ~~necessary transportation and lodging expenses, as well as~~
9 ~~waiver of registration fees and similar costs, to facilitate~~
10 ~~the attendance of a public official or public employee, and~~
11 ~~the spouse of the public official or public employee, at an~~
12 ~~educational function or widely attended event of which the~~
13 ~~person is a primary sponsor. This exclusion applies only if~~
14 ~~the public official or public employee meaningfully~~
15 ~~participates in the event as a speaker or a panel participant,~~
16 ~~by presenting information related to his or her agency or~~
17 ~~matters pending before his or her agency, or by performing a~~
18 ~~ceremonial function appropriate to his or her official~~
19 ~~position; or if the public official's or public employee's~~
20 ~~attendance at the event is appropriate to the performance of~~
21 ~~his or her official duties or representative function.~~

22 ~~"13. Payment of or reimbursement for actual and~~
23 ~~necessary transportation and lodging expenses to facilitate a~~
24 ~~public official's or public employee's participation in an~~
25 ~~economic development function.~~

26 ~~"14. Hospitality, meals, and other food and~~
27 ~~beverages provided to a public official or public employee,~~

1 and the spouse of the public official or public employee, as
2 an integral part of an educational function, economic
3 development function, work session, or widely attended event,
4 such as a luncheon, banquet, or reception hosted by a civic
5 club, chamber of commerce, charitable or educational
6 organization, or trade or professional association.

7 "15. Any function or activity pre-certified by the
8 Director of the Ethics Commission as a function that meets any
9 of the above criteria.

10 "16. Meals and other food and beverages provided to
11 a public official or public employee in a setting other than
12 any of the above functions not to exceed for a lobbyist
13 twenty-five dollars (\$25) per meal with a limit of one hundred
14 fifty dollars (\$150) per year; and not to exceed for a
15 principal fifty dollars (\$50) per meal with a limit of two
16 hundred fifty dollars (\$250) per year. Notwithstanding the
17 foregoing, the lobbyist's limits herein shall not count
18 against the principal's limits and likewise, the principal's
19 limits shall not count against the lobbyist's limits.

20 "17. Anything either (i) provided by an association
21 or organization to which the state or, in the case of a local
22 government official or employee, the local government pays
23 annual dues as a membership requirement or (ii) provided by an
24 association or organization to a public official who is a
25 member of the association or organization and, as a result of
26 his or her service to the association or organization, is
27 deemed to be a public official. Further included in this

1 ~~exception is payment of reasonable compensation by a~~
2 ~~professional or local government association or corporation to~~
3 ~~a public official who is also an elected officer or director~~
4 ~~of the professional or local government association or~~
5 ~~corporation for services actually provided to the association~~
6 ~~or corporation in his or her capacity as an officer or~~
7 ~~director.~~

8 ~~"18. Any benefit received as a discount on~~
9 ~~accommodations, when the discount is given to the public~~
10 ~~official because the public official is a member of an~~
11 ~~organization or association whose entire membership receives~~
12 ~~the discount.~~

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

17 ~~"(35) (29) VALUE. The fair market price of a like~~
18 ~~item if purchased by a private citizen. In the case of tickets~~
19 ~~to social and sporting events and associated passes, the value~~
20 ~~is the face value printed on the ticket.~~

21 ~~"(36) WIDELY ATTENDED EVENT. A gathering, dinner,~~
22 ~~reception, or other event of mutual interest to a number of~~
23 ~~parties at which it is reasonably expected that more than 12~~
24 ~~individuals will attend and that individuals with a diversity~~
25 ~~of views or interest will be present.~~

26 ~~"§36-25-3.~~

1 "(a) There is hereby created a State Ethics
2 Commission. Commencing September 1, 2021, the commission shall
3 be comprised of six ~~composed of five~~ members, ~~each of whom~~
4 ~~shall be a fair, equitable citizen of this state and of high~~
5 ~~moral character and ability. The following persons shall not~~
6 ~~be eligible to be appointed as members: (1) a public official;~~
7 ~~(2) a candidate; (3) a registered lobbyist and his or her~~
8 ~~principal; or (4) a former employee of the commission. No~~
9 ~~member of the commission shall be eligible for reappointment~~
10 ~~to succeed himself or herself. The members of the commission~~
11 ~~shall be appointed~~ on a rotating basis by the following
12 ~~officers~~ officials: The Governor, ~~the Lieutenant Governor, or~~
13 ~~in the absence of a Lieutenant Governor, the Presiding Officer~~
14 ~~of the Senate;~~ and the Speaker of the House of
15 Representatives; the presiding judge of the Court of Civil
16 Appeals, with the initial appointment made September 1, 2021,
17 to an additional member to the commission; the presiding judge
18 of the Court of Criminal Appeals, with the initial appointment
19 made to the member whose term begins September 1, 2022; and
20 the President Pro Tempore of the Senate, with the initial
21 appointment made to the member whose term begins September 1,
22 2023. Appointments shall be subject to Senate confirmation,
23 ~~and persons appointed~~ appointees shall assume their duties
24 upon ~~after~~ confirmation by the Senate. ~~The members of the~~
25 ~~first commission shall be appointed for terms of office~~
26 ~~expiring one, two, three, four, and five years, respectively,~~
27 ~~from September 1, 1975. Successors to the members of the first~~

1 ~~commission shall serve for a term of five years beginning~~
2 ~~service~~ Members shall begin service on September 1 of the year
3 appointed and serving until their successors are appointed and
4 confirmed. Members appointed for terms beginning on or after
5 September 1, 2021, shall serve a term of six years, with the
6 exception of the initial member appointed by the presiding
7 judge of the Court of Civil Appeals, who shall serve a
8 five-year term. If at any time there ~~should be~~ is a vacancy on
9 the commission, a successor member ~~to serve for the unexpired~~
10 ~~term applicable to such vacancy shall be appointed by the~~
11 ~~Governor. The commission shall elect one member to serve as~~
12 ~~chair of the commission and one member to serve as vice chair.~~
13 ~~The vice chair shall act as chair in the absence or disability~~
14 ~~of the chair or in the event of a vacancy in that office.~~
15 shall be appointed by the respective appointing authority to
16 serve for the unexpired term. A member of the commission may
17 not be reappointed to succeed himself or herself unless the
18 prior service was for less than a full term. A vacancy in the
19 commission shall not impair the right of the remaining members
20 to exercise all the powers of the commission.

21 ~~Beginning with the first vacancy on the Ethics~~
22 ~~Commission after October 1, 1995, if there is not a Black~~
23 ~~member serving on the commission, that vacancy shall be filled~~
24 ~~by a Black appointee. Any vacancy thereafter occurring on the~~
25 ~~commission shall also be filled by a Black appointee if there~~
26 ~~is no Black member serving on the commission at that time.~~

1 ~~"Beginning with the first vacancy on the State~~
2 ~~Ethics Commission after January 1, 2011,~~

3 "(b) The appointing officers shall coordinate their
4 appointments to ensure that the membership of the commission
5 is inclusive and reflects the racial, gender, and geographical
6 areas of the state. In addition, the commission shall always
7 have as a member a State of Alabama-licensed an attorney
8 licensed in this state in good standing and a former elected
9 public official who served at least two terms of office. Each
10 member must be a resident of this state and of high moral
11 character and ability. The following individuals are not
12 eligible to be appointed as members: (1) a public official;
13 (2) a candidate; (3) a registered lobbyist or a principal; (4)
14 a former employee of the commission; or (5) an individual who
15 served during the four-year period immediately preceding
16 appointment as a member of the executive committee of a
17 political party.

18 ~~"Beginning with the first vacancy on the State~~
19 ~~Ethics Commission after January 1, 2016, the commission shall~~
20 ~~always have as a member a former elected public official who~~
21 ~~served at least two terms of office.~~

22 ~~"(b)(c) A vacancy in the commission shall not impair~~
23 ~~the right of the remaining members to exercise all the powers~~
24 ~~of the commission, and three~~ The commission shall elect one
25 member to serve as chair of the commission and one member to
26 serve as vice chair. The vice chair shall act as chair in the
27 absence or disability of the chair or in the event of a

1 vacancy in that office. Commencing September 1, 2021, four
2 members thereof shall constitute a quorum and any formal
3 action taken by the commission shall require an affirmative
4 vote by at least four members.

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

13 "~~(d)~~(e) Members of the commission, while serving on
14 the business of the commission, shall be entitled to receive
15 compensation at the rate of fifty dollars (\$50) per day, and
16 each member shall be paid his or her travel expenses incurred
17 in the performance of his or her duties as a member of the
18 commission as other state employees and officials are paid
19 when approved by the chair. If for any reason a member of the
20 commission wishes not to claim and accept the compensation or
21 travel expenses, the member shall inform the director, in
22 writing, of the refusal. The member may at any time during his
23 or her term begin accepting compensation or travel expenses;
24 however, the member's refusal for any covered period shall act
25 as an irrevocable waiver for that period.

26 "~~(e)~~(f) All members, officers, agents, attorneys,
27 and employees of the commission shall be subject to this

1 chapter. The director, members of the commission, and all
2 employees of the commission may not engage in partisan
3 political activity, including the making of campaign
4 contributions, on the state, county, and local levels. The
5 prohibition shall in no way act to limit or restrict ~~such~~
6 ~~persons~~ an individual's ability to vote in any election.

7 ~~"(f)~~ (g) The commission shall appoint a full-time
8 director. Appointment of the director shall be subject to
9 Senate confirmation, and the ~~person~~ individual appointed shall
10 assume his or her duties upon confirmation by the Senate. If
11 the Senate fails to vote on an appointee's confirmation before
12 adjourning sine die during the session in which the director
13 is appointed, the appointee is deemed to be confirmed. No
14 appointee whose confirmation is rejected by the Senate may be
15 reappointed. The director shall serve at the pleasure of the
16 commission and shall appoint ~~such~~ other employees as needed.
17 ~~All such employees~~ Employees of the commission, except the
18 director, shall be employed subject to the state Merit System
19 law, and their compensation shall be prescribed pursuant to
20 that law. The employment of attorneys shall be subject to
21 subsection ~~(h)~~ (i). The compensation of the director shall be
22 fixed by the commission, payable as the salaries of other
23 state employees. The director shall be responsible for the
24 administrative operations of the commission and shall
25 administer this chapter in accordance with the commission's
26 policies. No rule shall be implemented by the director until
27 adopted by the commission in accordance with ~~Sections 41-22-1~~

1 ~~to 41-22-27, inclusive,~~ the Alabama Administrative Procedure
2 Act.

3 "~~(g)~~ (h) The director may appoint part-time
4 stenographic reporters or certified court reporters, ~~as~~
5 ~~needed,~~ to take and transcribe the testimony in any formal or
6 informal hearing or investigation before the commission or
7 before any ~~person~~ individual authorized by the commission. The
8 reporters are not full-time employees of the commission, are
9 not subject to the Merit System law, and may not participate
10 in the State Retirement System.

11 "~~(h)~~ (i) The director, with the approval of the
12 Attorney General, may appoint competent attorneys as legal
13 counsel for the commission. Each attorney so appointed shall
14 be of good moral and ethical character, licensed to practice
15 law in this state, and be a member in good standing of the
16 Alabama State Bar Association. Each attorney shall be
17 commissioned as an assistant or deputy attorney general and,
18 in addition to the powers and duties herein conferred, shall
19 have the authority and duties of an assistant or deputy
20 attorney general, except, that his or her entire time shall be
21 devoted to the commission. Each attorney shall act on behalf
22 of the commission in actions or proceedings brought by or
23 against the commission pursuant to any law under the
24 commission's jurisdiction or in which the commission joins or
25 intervenes as to a matter within the commission's jurisdiction
26 or as a friend of the court or otherwise.

1 "~~(i)~~(j) The director shall designate in writing the
2 chief investigator, should there be one, and a maximum of
3 eight full-time investigators who shall be and are hereby
4 constituted law enforcement officers of the State of Alabama
5 with full and unlimited police power and jurisdiction to
6 enforce the laws of this state pertaining to the operation and
7 administration of the commission and this chapter.

8 Investigators shall meet the requirements of the Alabama Peace
9 Officers' Standards and Training Act, Sections 36-21-40 to
10 36-21-51, inclusive, and shall in all ways and for all
11 purposes be considered law enforcement officers entitled to
12 all benefits provided in Section 36-15-6(f). Notwithstanding
13 the foregoing, the investigators shall only exercise their
14 power of arrest as granted under this chapter pursuant to an
15 order issued by a court of competent jurisdiction.

16 "§36-25-4.

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

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

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

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

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

4 "(5) Make reports and statements filed with the
5 commission available during regular business hours and online
6 via the Internet to public inquiry subject to ~~such regulations~~
7 as rules adopted by the commission may prescribe.

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

18 "~~Make investigations with respect to~~ Investigate
19 statements and reports filed pursuant to this chapter, ~~and~~
20 ~~with respect to~~ and any alleged failures to file, or omissions
21 contained therein, ~~any statement required pursuant to this~~
22 ~~chapter and, upon complaint by any individual, with respect to~~
23 ~~alleged violation of any part of this chapter to the extent~~
24 ~~authorized by law.~~

25 "(8) Investigate and hold hearings to receive
26 evidence and make findings regarding alleged violations of
27 this chapter upon any of the following:

1 "a. Receiving a complaint as further provided in
2 subsection (e).

3 "b. Receiving a referral from the Attorney General,
4 a district attorney, or a local law enforcement agency
5 pursuant to Section 36-25-17.

6 "c. Initiating an investigation as further provided
7 in subsection (f).

8 "(9) Upon a finding of probable cause that a
9 violation of this chapter occurred, do any of the following:

10 "a. Issue a public reprimand or private censure for
11 violations described in Section 36-25-27(d).

12 "b. Impose administrative penalties for violations
13 described in Section 36-25-27(b).

14 "c. Forward the findings, evidence, and necessary
15 information for criminal violations of this chapter to the
16 Attorney General or the appropriate district attorney as
17 further provided in subsection (i).

18 "(10) When in ~~its~~ the commission's opinion a
19 thorough audit of ~~any person or any business should be made a~~
20 governmental body should be conducted in order to determine
21 whether this chapter has been violated, ~~the commission shall~~
22 direct the ~~Examiner~~ Department of Examiners of Public Accounts
23 to have an audit made and a report ~~thereof~~ filed with the
24 commission, provided the department has audit authority under
25 Chapter 5A of Title 41 for that governmental body. The
26 ~~Examiner~~ Department of Examiners of Public Accounts, upon
27 receipt of the directive, shall comply therewith.

1 "~~(8)~~(11) Report any other suspected felony
2 violations of law not covered by this chapter to the
3 appropriate law-enforcement authorities.

4 "~~(9)~~(12) Issue and publish advisory opinions on the
5 requirements of this chapter, as further provided in
6 subsection (c). ~~based on a real or hypothetical set of~~
7 ~~circumstances. Such advisory opinions shall be adopted by a~~
8 ~~majority vote of the members of the commission present and~~
9 ~~shall be effective and deemed valid until expressly overruled~~
10 ~~or altered by the commission or a court of competent~~
11 ~~jurisdiction. The written advisory opinions of the commission~~
12 ~~shall protect the person at whose request the opinion was~~
13 ~~issued and any other person reasonably relying, in good faith,~~
14 ~~on the advisory opinion in a materially like circumstance from~~
15 ~~liability to the state, a county, or a municipal subdivision~~
16 ~~of the state because of any action performed or action~~
17 ~~refrained from in reliance of the advisory opinion. Nothing in~~
18 ~~this section shall be deemed to protect any person relying on~~
19 ~~the advisory opinion if the reliance is not in good faith, is~~
20 ~~not reasonable, or is not in a materially like circumstance.~~
21 ~~The commission may impose reasonable charges for publication~~
22 ~~of the advisory opinions and monies shall be collected,~~
23 ~~deposited, dispensed, or retained as provided herein. On~~
24 ~~October 1, 1995, all prior advisory opinions of the commission~~
25 ~~in conflict with this chapter, shall be ineffective and~~
26 ~~thereby deemed invalid and otherwise overruled unless there~~

1 ~~has been any action performed or action refrained from in~~
2 ~~reliance of a prior advisory opinion.~~

3 "~~(10)~~ (13) Initiate and continue, where practicable,
4 programs for the purpose of educating candidates, officials,
5 employees, and ~~citizens~~ residents of Alabama on matters of
6 ethics in government service.

7 "~~(11)~~ (14) In accordance with ~~Sections 41-22-1 to~~
8 ~~41-22-27, inclusive,~~ the Alabama Administrative Procedure Act,
9 ~~prescribe~~ adopt, publish, and enforce rules to carry out this
10 chapter.

11 "(b) Additionally, the commission shall work with
12 the Secretary of State to implement the reporting requirements
13 of the Alabama Fair Campaign Practices Act and shall do all of
14 the following:

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

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

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

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

1 "(5) Investigate and hold hearings for receiving
2 evidence regarding alleged violations of the Fair Campaign
3 Practices Act as set forth in this chapter that demonstrates a
4 likelihood that the Fair Campaign Practices Act has been
5 violated.

6 "(6) Conduct ~~or authorize~~ audits of any filings
7 required under the Fair Campaign Practices Act if evidence
8 exists that an audit is warranted because of the filing of a
9 complaint in the form required by this chapter or if there
10 exists a material discrepancy or conflict on the face of any
11 filing required by the Fair Campaign Practices Act.

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

14 "~~(8) Refer all evidence and information necessary to~~
15 ~~the Attorney General or appropriate district attorney for~~
16 ~~prosecution of any criminal violation of the Fair Campaign~~
17 ~~Practices Act as set forth in this chapter.~~

18 "~~(9) (8) Make investigations with respect to~~
19 Investigate statements filed pursuant to the Fair Campaign
20 Practices Act, ~~and with respect to any~~ alleged failures to
21 file, ~~or omissions contained therein, any statement required~~
22 ~~pursuant to the Fair Campaign Practices Act and, upon~~
23 ~~complaint by any individual, with respect to alleged violation~~
24 ~~of any part of that act to the extent authorized by law.~~

25 "(9) Upon a finding of probable cause that a
26 criminal violation of the Fair Campaign Practices Act
27 occurred, forward the findings, evidence, and necessary

1 information to the Attorney General or appropriate district
2 attorney as further provided in subsection (i).

3 "(10) When in ~~its~~ the commission's opinion a
4 thorough audit of ~~any person or any business should be made a~~
5 governmental body should be conducted in order to determine
6 whether the Fair Campaign Practices Act has been violated, ~~the~~
7 ~~commission shall~~ direct the ~~Examiner~~ Department of Examiners
8 of Public Accounts to have an audit made and a report ~~thereof~~
9 filed with the commission, provided the department has audit
10 authority under Chapter 5A of Title 41 for that governmental
11 body. The ~~Examiner~~ Department of Examiners of Public Accounts,
12 upon receipt of the directive, shall comply therewith.

13 ~~"(10)~~ (11) Issue and publish advisory opinions on the
14 requirements of the Fair Campaign Practices Act, as further
15 provided in subsection (c). ~~based on a real or hypothetical~~
16 ~~set of circumstances. Such advisory opinions shall be adopted~~
17 ~~by a majority vote of the members of the commission present~~
18 ~~and shall be effective and deemed valid until expressly~~
19 ~~overruled or altered by the commission or a court of competent~~
20 ~~jurisdiction. The written advisory opinions of the commission~~
21 ~~shall protect the person at whose request the opinion was~~
22 ~~issued and any other person reasonably relying, in good faith,~~
23 ~~on the advisory opinion in a materially like circumstance from~~
24 ~~liability of any kind because of any action performed or~~
25 ~~action refrained from in reliance of the advisory opinion.~~
26 ~~Nothing in this section shall be deemed to protect any person~~
27 ~~relying on the advisory opinion if the reliance is not in good~~

1 ~~faith, is not reasonable, or is not in a materially like~~
2 ~~circumstance. The commission may impose reasonable charges for~~
3 ~~publication of the advisory opinions and monies shall be~~
4 ~~collected, deposited, dispensed, or retained as provided~~
5 ~~herein.~~

6 ~~"(11)(12) In accordance with Sections 41-22-1 to~~
7 ~~41-22-27, inclusive, the Alabama Administrative Procedure Act,~~
8 ~~prescribe~~ adopt, publish, and enforce rules to carry out this
9 section.

10 "(c) (1) The commission shall issue and publish an
11 advisory opinion on the requirements of this chapter or the
12 Fair Campaign Practices Act based on a real or hypothetical
13 set of circumstances. Advisory opinions shall be adopted by a
14 majority vote of the members of the commission present and
15 shall be effective and deemed valid until expressly overruled
16 or altered by the commission or a court of competent
17 jurisdiction. The written advisory opinions of the commission
18 shall protect the individual at whose request the opinion was
19 issued and any other individual reasonably relying, in good
20 faith, on the advisory opinion in a materially like
21 circumstance from liability to the state, a county, a
22 municipality, or other political subdivision of the state
23 because of any action performed or action refrained from in
24 reliance of the advisory opinion. Nothing in this subsection
25 shall be deemed to protect any individual relying on the
26 advisory opinion if the reliance is not in good faith, is not
27 reasonable, or is not in a materially like circumstance.

1 "(2) The commission's decision not to issue an
2 advisory opinion does not create any presumption as to whether
3 the action upon which the request for an advisory opinion was
4 based, does or does not violate this chapter.

5 "(3) The commission may impose reasonable charges
6 for publication of the advisory opinions, and monies collected
7 shall be deposited, dispensed, or retained as provided in
8 subsection (1).

9 ~~"(c)~~ (d) (1) Except as necessary to permit the sharing
10 of information and evidence with the Attorney General or a
11 district attorney, a complaint filed pursuant to this chapter
12 or the Fair Campaign Practices Act, together with any
13 statement, evidence, or information received from the
14 complainant, witnesses, or other ~~persons~~ individuals shall be
15 protected by and subject to the same restrictions relating to
16 secrecy and nondisclosure of information, conversation,
17 knowledge, or evidence of Sections 12-16-214 to 12-16-216,
18 ~~inclusive, except that a violation of this section shall~~
19 ~~constitute a Class C felony.~~ Such restrictions shall apply to
20 all investigatory activities taken by the director, the
21 commission, or a member thereof, staff, employees, or any
22 ~~person~~ individual engaged by the commission in response to a
23 complaint filed with the commission and to all proceedings
24 relating thereto before the commission. Such restrictions
25 shall also apply to all information and evidence supplied to
26 the Attorney General or district attorney.

1 "(2) Any individual who discloses information in
2 violation of this section shall be guilty of a Class C felony.

3 ~~"(d) The commission shall not take any investigatory~~
4 ~~action on a telephonic or written complaint against a~~
5 ~~respondent so long as the complainant remains anonymous.~~
6 ~~Investigatory action on a complaint from an identifiable~~
7 ~~source shall not be initiated until the true identity of the~~
8 ~~source has been ascertained and written verification of such~~
9 ~~ascertainment is in the commission's files. The complaint may~~
10 ~~only be filed by a person who has or persons who have credible~~
11 ~~and verifiable information supporting the allegations~~
12 ~~contained in the complaint. A complainant may not file a~~
13 ~~complaint for another person or persons in order to circumvent~~
14 ~~this subsection. Prior to commencing any investigation, the~~
15 ~~commission shall: (1) receive a written and signed complaint~~
16 ~~which sets forth in detail the specific charges against a~~
17 ~~respondent, and the factual allegations which support such~~
18 ~~charges; and (2) the director shall conduct a preliminary~~
19 ~~inquiry in order to make an initial determination that the~~
20 ~~complaint, on its face alleges facts which if true, would~~
21 ~~constitute a violation of this chapter or the Fair Campaign~~
22 ~~Practices Act and that reasonable cause exists to conduct an~~
23 ~~investigation.~~

24 "(e) (1) The commission may initiate an investigation
25 upon a complaint filed with the commission, provided all of
26 the following occur:

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

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

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

12 "(2) If the director determines that the complaint
13 does not allege a violation or that reasonable cause does not
14 exist, the ~~charges~~ complaint shall be dismissed, but ~~such~~ the
15 action must be reported to the commission.

16 "(f) (1) ~~The commission shall be entitled to~~
17 ~~authorize~~ In addition to initiating an investigation upon a
18 complaint as provided in subsection (e), the commission may
19 also initiate an investigation upon written consent of four
20 commission members, upon an express finding that probable
21 cause exists that a violation or violations of this chapter or
22 the Fair Campaign Practices Act have occurred. Upon the
23 commencement of any investigation, the Alabama Rules of
24 Criminal Procedure as applicable to the grand jury process
25 ~~promulgated by the Alabama Supreme Court~~ shall apply and shall
26 remain in effect until the complaint is dismissed or disposed
27 of in some other manner. A complaint may be initiated by a

1 vote of four members of the commission~~;~~ provided, however,
2 that the commission ~~shall~~ may not conduct the hearing, but
3 rather the hearing shall be conducted by three active or
4 retired judges, who shall be appointed by the Chief Justice of
5 the Alabama Supreme Court~~.~~, ~~at least one of whom shall be~~
6 ~~Black~~ The Chief Justice shall appoint judges to a panel so
7 that diversity of gender and race is reflective of the makeup
8 of the judiciary of this state.

9 "(2) The three-judge panel shall conduct the hearing
10 in accordance with the procedures contained in this chapter
11 and in accordance with the rules of the commission. If the
12 three-judge panel unanimously finds that a person covered by
13 this chapter has violated ~~it~~ this chapter or that the person
14 covered by the Fair Campaign Practices Act has violated that
15 act, the three-judge panel shall forward the case to the
16 district attorney for the jurisdiction in which the alleged
17 acts occurred or to the Attorney General, or for violations
18 described in subsection (b) or (d) of Section 36-25-27, may
19 direct the commission to impose administrative penalties or
20 issue a public reprimand or censure, in accordance with the
21 respective subsection (b) or (d) of Section 36-25-27. In all
22 matters that come before the commission concerning a complaint
23 on an individual, the laws of due process shall apply.

24 "~~(e)~~ (g) Not less than 45 days prior to any hearing
25 before the commission, the respondent shall be given notice
26 that a complaint has been filed against him or her and shall
27 be given a summary of the charges contained ~~therein~~ in the

1 complaint. Upon the timely request of the respondent, a
2 continuance of the hearing for not less than 30 days shall be
3 granted for good cause shown. The respondent charged in the
4 complaint shall have the right to be represented by retained
5 legal counsel. The commission may not require the respondent
6 to be a witness against himself or herself and shall provide
7 discovery to the respondent pursuant to the Alabama Rules of
8 Criminal Procedure.

9 ~~"(f) The commission shall provide discovery to the~~
10 ~~respondent pursuant to the Alabama Rules of Criminal Procedure~~
11 ~~as promulgated by the Alabama Supreme Court.~~

12 ~~"(g) (1) All fees, penalties, and fines collected by~~
13 ~~the commission pursuant to this chapter shall be deposited~~
14 ~~into the State General Fund.~~

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

20 "(h) (1) In the course of an investigation, the
21 commission may subpoena witnesses and compel their attendance
22 and may also require the production of books, papers,
23 documents, and other evidence. If any person fails to comply
24 with any subpoena lawfully issued, or if any witness refuses
25 to produce evidence or to testify as to any matter relevant to
26 the investigation, it shall be the duty of any court of
27 competent jurisdiction or the judge thereof, upon the

1 application of the director, to compel obedience upon penalty
2 for contempt, as in the case of disobedience of a subpoena
3 issued for such court or a refusal to testify therein.

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

9 "(3) The commission, upon seeking issuance of the
10 subpoena, shall serve a notice to the recipient, ~~of the intent~~
11 ~~to serve such subpoena. Upon the expiration of 10 days from~~
12 ~~the service of the notice and the proposed subpoena shall be~~
13 ~~attached to the notice. Any person~~ at least 10 days before the
14 commission intends to serve the subpoena, of the commission's
15 intent along with a copy of the proposed subpoena. Any
16 individual or entity served with a subpoena notice may serve
17 an objection to the issuance of the subpoena within 10 days
18 after service of the notice on the grounds set forth under
19 Rule 17.3(c) of the Alabama Rules of Criminal Procedure, and
20 in such event the subpoena shall not issue until an order to
21 dismiss, modify, or issue the subpoena is entered by a state
22 court of proper jurisdiction, ~~the order to~~ The order shall be
23 entered within 30 days after making of the objection.

24 "(4) Any vote taken by the members of the commission
25 ~~relative~~ relating to the issuance of a subpoena shall be
26 protected by and subject to the restrictions relating to
27 secrecy and nondisclosure of information, conversation,

1 knowledge, or evidence of Sections 12-16-214 to 12-16-216,
2 inclusive.

3 ~~"(i) (1) After receiving or initiating a complaint,~~
4 ~~the commission has~~ Not more than 180 days to determine after
5 beginning an investigation as described in subdivision (8) of
6 subsection (a) or subdivision (9) of subsection (b), the
7 commission shall make its finding whether probable cause
8 exists. At the expiration of 180 days from the date of receipt
9 or commencement of ~~a complaint~~ the investigation, if the
10 commission does not find probable cause, the complaint or
11 referral shall be deemed dismissed and cannot be reinstated
12 based on the same facts alleged in the complaint or referral.
13 Upon good cause shown, ~~from the general counsel and chief~~
14 ~~investigator,~~ the director may request from the commission a
15 one-time extension of 180 days. Upon ~~the majority vote of the~~
16 ~~commission, the staff may be granted a one-time extension of~~
17 ~~180 days~~ an affirmative vote by the commission, the staff
18 shall be granted a 180-day extention in which to complete the
19 investigation.

20 "(2) If, upon an affirmative vote by a majority of
21 members of the commission, the commission finds probable cause
22 that a ~~person covered by this chapter has violated it or that~~
23 ~~the person covered by the Fair Campaign Practices Act has~~
24 ~~violated that act, the case and the commission's findings~~
25 ~~shall be forwarded to the district attorney for the~~
26 ~~jurisdiction in which the alleged acts occurred or to the~~
27 ~~Attorney General. The case, along with the commission's~~

1 ~~findings, shall be referred for appropriate legal action.~~
2 violation of this chapter has occurred, the commission shall
3 do any of the following, as appropriate:

4 "a. Issue a public reprimand or private censure for
5 violations described in Section 36-25-27(d).

6 "b. Impose administrative penalties for violations
7 described in Section 36-25-27(b).

8 "c. Forward the findings, evidence, and necessary
9 information for criminal violations of this chapter to the
10 Attorney General or the appropriate district attorney for
11 appropriate legal action.

12 "(3) If, upon an affirmative vote by a majority of
13 members of the commission, the commission finds probable cause
14 that a violation of the Fair Campaign Practices Act has
15 occurred, the commission shall do either of the following, as
16 appropriate:

17 "a. Impose civil penalties for violations described
18 in Section 17-5-19.

19 "b. Forward the findings, evidence, and necessary
20 information to the Attorney General or the appropriate
21 district attorney for appropriate legal action.

22 "(j) Nothing in this section shall be deemed to
23 limit the commission's ability to take appropriate legal
24 action when so requested by the district attorney for the
25 appropriate jurisdiction or by the Attorney General.

26 "~~(j)~~(k) Within 180 days of receiving a case referred
27 by the commission, the Attorney General or district attorney

1 to whom the case was referred may, upon written request of the
2 commission notify the commission, in writing, stating whether
3 he or she intends to take action against the respondent,
4 including an administrative disposition or settlement, conduct
5 further investigation, or close the case without taking
6 action. If the Attorney General or district attorney decides
7 to pursue the case, he or she, upon written request of the
8 commission, may inform the commission of the final disposition
9 of the case. The written information pursuant to this section
10 shall be maintained by the commission and made available upon
11 request as a public record. The director may request an oral
12 status update from the Attorney General or district attorney
13 from time to time.

14 "(1) (1) All fees, penalties, and fines collected by
15 the commission pursuant to this chapter shall be deposited
16 into the State General Fund.

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

22 "§36-25-4.1.

23 "(a) Notwithstanding any other law, ~~regulation,~~ or
24 rule, no complaints shall be made available to the public or
25 available on the Internet until the disposition of the matter.
26 In no event may a complaint be made public or available on the
27 Internet if the complaint is dismissed or found not to have

1 probable cause. In the matters where the complaint is
2 dismissed or found not to have probable cause, only the
3 disposition of the matter may be made available to the public
4 or available on the Internet. Nothing in this ~~section~~
5 subsection shall be deemed a direct grant of authority for the
6 commission to publicize or make available on the Internet any
7 complaint or investigation if not permitted by any other law~~,~~
8 ~~regulation,~~ or rule.

9 "(b) A private censure issued pursuant to Section
10 36-25-27(d) remains confidential and may not be made available
11 to the public or available on the Internet.

12 "§36-25-4.3.

13 "(a) The commission~~, by April 1, 2012,~~ shall
14 implement and maintain each of the following:

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

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

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

26 "b. Generation of an aggregate list of all things ~~of~~
27 ~~value~~ provided to each public official~~,~~ or public employee~~,~~

1 ~~and or~~ family member of ~~a~~ the public official or public
2 employee as reported pursuant to Section 36-25-19, searchable
3 and retrievable by the name of the public official or public
4 employee.

5 "(b) Notwithstanding subsection (a), the commission
6 shall exclude from any electronic database accessible to the
7 public, identifying information, as defined in Section
8 41-13-7, that is included in any statement of economic
9 ~~interest~~ interests filed by any public official or public
10 employee.

11 "(c) The commission shall redact all identifying
12 information on any electronic database accessible to the
13 public, as defined in Section 41-13-7, that is included in any
14 statement of economic interest filed by a public official or
15 public employee and was in the database on August 1, 2013.

16 "§36-25-5.

17 "(a) ~~No~~ A public official or public employee ~~shall~~
18 may not use or cause to be used his or her official position
19 or office to obtain personal gain for himself or herself, or
20 family member of the ~~public employee or family member of the~~
21 public official or public employee, or any associated business
22 ~~with which the person is associated~~ of the public official or
23 public employee, unless the use and gain are otherwise
24 specifically authorized by law. Personal gain is achieved when
25 the public official, public employee, or ~~a~~ family member
26 ~~thereof~~ receives, accepts, obtains, exerts control over, or

1 otherwise converts to personal use the object constituting
2 such personal gain.

3 "(b) ~~Unless prohibited by the Constitution of~~
4 ~~Alabama of 1901, nothing herein~~ This chapter shall not be
5 construed to prohibit a public official from introducing
6 bills, ordinances, resolutions, or other legislative matters,
7 serving on committees, or making statements or taking action
8 in the exercise of his or her duties as a public official, ~~—A~~
9 provided a member of a legislative body may not ~~vote for any~~
10 take any official action on legislation ~~in~~ of which he or she
11 knows or should have known that he or she has a conflict of
12 interest.

13 "(c) ~~No~~ A public official or public employee ~~shall~~
14 may not use or cause to be used equipment, facilities, time,
15 materials, human labor, or other public property under his or
16 her discretion or control for the ~~private~~ personal benefit or
17 business benefit of the public official, public employee, any
18 other person, or principal campaign committee as defined in
19 Section 17-22A-2, which would materially affect his or her
20 financial interest, except as otherwise provided by law or as
21 provided pursuant to a lawful employment agreement regulated
22 by agency policy. ~~Provided, however, nothing in this~~
23 ~~subsection shall be deemed to limit or otherwise prohibit~~
24 ~~communication between public officials or public employees and~~
25 ~~eleemosynary or membership organizations or such organizations~~
26 ~~communicating with public officials or public employees.~~

1 "(d) ~~No~~ A person shall may not solicit a public
2 official or public employee to use or cause to be used
3 equipment, facilities, time, materials, human labor, or other
4 public property for ~~such~~ the person's ~~private~~ personal benefit
5 or business benefit, which would materially affect his or her
6 financial interest, except as otherwise provided by law.

7 "(e) ~~No~~ A public official or public employee, ~~shall,~~
8 other than in the ordinary course of business, may not solicit
9 ~~a thing of value~~ anything from a subordinate ~~or person or~~
10 ~~business with whom he or she directly inspects, regulates, or~~
11 ~~supervises in his or her official capacity.~~

12 "~~(f) A conflict of interest shall exist when a~~
13 ~~member of a legislative body, public official, or public~~
14 ~~employee has a substantial financial interest by reason of~~
15 ~~ownership of, control of, or the exercise of power over any~~
16 ~~interest greater than five percent of the value of any~~
17 ~~corporation, company, association, or firm, partnership,~~
18 ~~proprietorship, or any other business entity of any kind or~~
19 ~~character which is uniquely affected by proposed or pending~~
20 ~~legislation; or who is an officer or director for any such~~
21 ~~corporation, company, association, or firm, partnership,~~
22 ~~proprietorship, or any other business entity of any kind or~~
23 ~~character which is uniquely affected by proposed or pending~~
24 ~~legislation.~~

25 "(f) (1) The head of any department or agency may
26 establish internal policies that outline under what
27 circumstances the use of office equipment or property,

1 including government owned motor vehicles, by public officials
2 or public employees would not result in a personal or business
3 benefit; provided, however, the internal policies may not take
4 effect until the policies have been reviewed and approved by
5 the commission. Once the policies take effect, there is a
6 rebuttable presumption that a public official or public
7 employee who complies with the internal policies has not
8 violated this section.

9 "(2) The commission may adopt rules to implement
10 this section, including, but not limited to, processes for
11 reviewing and approving internal policies.

12 "§36-25-5.1.

13 "(a) ~~No~~ A lobbyist, subordinate of a lobbyist, or
14 principal ~~shall~~ may not offer or provide ~~a thing of value~~
15 anything to a ~~public employee or~~ public official, public
16 employee, or ~~to~~ a family member of the ~~public employee or~~
17 family member of the public official; ~~and no public employee~~
18 or public official or family member of the public employee or
19 family member of the public official shall solicit or receive
20 a thing of value from a lobbyist, subordinate of a lobbyist,
21 or principal. Notwithstanding the foregoing, a lobbyist, or
22 principal may offer or provide ~~and~~ a public official, public
23 employee, or candidate may solicit or receive items of de
24 minimis value. or public employee, subject to the following
25 exceptions:

26 "(1) Lawful campaign contributions.

1 "(2) Financial or business transactions made in the
2 ordinary course of business on terms generally available to
3 similarly situated members of the public.

4 "(3) Food and beverages provided in settings
5 permitted by subsection (e).

6 "(4) Payment of or reimbursement for actual and
7 necessary registration and travel expenses, including
8 reasonable food and lodging expenses, incurred by attendance
9 at an educational function of which the lobbyist or principal
10 is a sponsor.

11 "(5) Anything of de minimis value other than meals
12 and other food and beverages.

13 "(6) Anything offered or provided as the result of a
14 familial relationship.

15 "(7) Anything offered or provided as a result of a
16 friendship, provided the lobbyist or principal has no direct
17 or specific interest before the recipient and the gift was not
18 paid for or directed to be provided by anyone other than the
19 provider. This exception does not include business or
20 professional dealings of any kind. Relevant factors in
21 determining whether this exception applies include whether the
22 friendship preexisted the recipient's status as a public
23 official, public employee, or family member of the public
24 official or public employee, and whether gifts have been
25 previously exchanged between the provider and recipient.

26 "(8) Compensation or business relationships
27 permitted by subsection (f).

1 "(9) Anything either paid for by a governmental
2 entity or provided by an association or organization to which
3 the state or a local government pays dues.

4 ~~"(b) A lobbyist does not provide a thing of value,~~
5 ~~for purposes of this section,~~ violate subsection (a) merely by
6 arranging, facilitating, or coordinating with his or her
7 principal that is providing and paying for those items.

8 "(c) A public official, public employee, or family
9 member of a public official or public employee may not solicit
10 anything, other than lawful campaign contributions, from a
11 lobbyist, a subordinate of a lobbyist, or an individual who is
12 a principal, regardless of whether the thing would personally
13 benefit the public official, public employee, or family member
14 or would benefit another individual or entity.

15 "(d) A public official, public employee, or family
16 member of the public official or public employee may not
17 accept anything from a lobbyist, a subordinate of a lobbyist,
18 or a principal, subject to the following exceptions:

19 "(1) Lawful campaign contributions.

20 "(2) Financial or business transactions made in the
21 ordinary course of business on terms generally available to
22 similarly situated members of the public.

23 "(3) Food and beverages received in settings
24 permitted by subsection (e).

25 "(4) Payment of or reimbursement for actual and
26 necessary registration and travel expenses, including
27 reasonable food and lodging expenses, incurred by attendance

1 at an educational function of which the lobbyist or principal
2 is a sponsor.

3 "(5) Anything of de minimis value other than meals
4 and other food and beverages.

5 "(6) Anything accepted as the result of a familial
6 relationship.

7 "(7) Anything accepted as a result of a friendship,
8 provided the lobbyist or principal has no direct or specific
9 interest before the recipient and the gift was not paid for or
10 directed to be provided by anyone other than the provider.

11 This exception does not include business or professional
12 dealings of any kind. Relevant factors in determining whether
13 this exception applies include whether the friendship
14 preexisted the recipient's status as a public official, public
15 employee, or family member of the public official or public
16 employee, and whether gifts have been previously exchanged
17 between the provider and recipient.

18 "(8) Compensation or business relationships
19 permitted by subsection (e).

20 "(9) Anything either paid for by a governmental
21 entity or provided by an association or organization to which
22 the state or a local government pays dues.

23 "(e) Food and beverages may be provided by a
24 lobbyist, subordinate of a lobbyist, or principal and received
25 by a public official, public employee, or family member of the
26 public official or public employee in the following settings
27 and under the following conditions:

1 "(1) At a gathering, dinner, reception, or other
2 event of mutual interest to a number of parties at which it is
3 reasonably expected that more than 12 individuals will attend
4 and that individuals with a diversity of views or interests
5 will be present.

6 "(2) At an event where all members of a legislative
7 body, legislative caucus registered under Chapter 5 of Title
8 17, or legislative committee are invited.

9 "(3) At a setting other than those identified in
10 subdivisions (1) or (2) wherein the meal or other food or
11 beverages provided to the public official, public employee, or
12 family member of the public official or public employee does
13 not exceed a total of twenty-five dollars (\$25) per recipient
14 per occasion, and an aggregate of one hundred fifty dollars
15 (\$150) per recipient per calendar year. Taxes and gratuity are
16 excluded for purposes of calculating the dollar limit under
17 this subdivision. The value shall be adjusted by five-dollar
18 (\$5) increments by the commission not later than January 1
19 following any year in which the value, as adjusted pursuant to
20 the U.S. Department of Labor's Consumer Price Index or a
21 successor index, exceeds the current amount by five dollars
22 (\$5) or more.

23 "(f) In addition to restitution, violations of this
24 section shall be penalized as follows:

25 "(1) An individual who knowingly, recklessly, or
26 with criminal negligence violates this section shall be
27 subject to a civil penalty levied by the commission in an

1 amount not more than three thousand dollars (\$3,000) for a
2 first offense and not more than six thousand dollars (\$6,000)
3 for a second offense.

4 "(2) An individual who knowingly, recklessly, or
5 with criminal negligence violates this section on more than
6 two occasions is guilty, upon conviction, of a Class A
7 misdemeanor. For purposes of this subdivision, all of the
8 following apply:

9 "a. Violations committed before July 1, 2021, shall
10 be considered in determining whether an individual has
11 violated this section on more than two occasions.

12 "b. Violations occurring in a single transaction may
13 not be treated as separate violations.

14 "c. The previous imposition of a civil penalty is
15 not required to establish that a violation has occurred on
16 more than two occasions.

17 "(3) An individual who intentionally violates this
18 section is guilty, upon conviction, of a Class B felony.

19 Section 2. Section 36-25-5.3 is added to the Code of
20 Alabama 1975, to read as follows:

21 §36-25-5.3.

22 (a) A public official or public employee may
23 maintain and accept compensation from bona fide business
24 relationships established prior to his or her public service
25 or qualification for office, provided the compensation is
26 unrelated to the recipient's official position and the

1 compensation does not present a conflict of interest or is not
2 otherwise prohibited by law.

3 (b) A public official or public employee may
4 establish and accept compensation from a bona fide business
5 relationship established following his or her entry into
6 public service or qualification for office, provided the
7 compensation is unrelated to the recipient's official
8 position, the compensation does not present a conflict of
9 interest or is not otherwise prohibited by law, and none of
10 the following circumstances are present:

11 (1) The business relationship is with an individual
12 or business that, due to the nature of the business, there is
13 a reasonable likelihood that the business may have direct or
14 specific interests before the public official or public
15 employee in his or her official capacity.

16 (2) The recipient is not reasonably qualified to
17 perform the services.

18 (3) The compensation is substantially different than
19 that customarily earned by a private citizen for the same
20 services.

21 (4) The services are for fundraising of any kind or
22 character and the compensation or other benefits include a
23 commission, bonus, or other incentive based in whole or in
24 part on the amount of funds raised by the recipient.

25 (c) A public official or public employee who
26 violates this section, upon conviction, is guilty of a Class A
27 misdemeanor.

1 Section 3. Sections 36-25-7, 36-25-8, 36-25-9,
2 36-25-10, 36-25-12, 36-25-13, 36-25-14, 36-25-15, 36-25-16,
3 36-25-17, 36-25-18, 36-25-19, 36-25-23, 36-25-24, and 36-25-27
4 of the Code of Alabama 1975, are amended to read as follows:

5 "§36-25-7.

6 "~~No person shall~~ A person may not offer or ~~give~~
7 provide anything to a public official, ~~or~~ public employee, ~~or~~
8 a family member of ~~the household of a public employee or a~~
9 ~~member of the household of the~~ a public official or public
10 employee and ~~none of the aforementioned shall solicit or~~
11 ~~receive anything~~ for the purpose of corruptly influencing
12 official action, regardless of whether or not the thing
13 ~~solicited or received is a thing of value~~ offered or provided
14 is permitted pursuant to Section 36-25-5.1.

15 "(b) ~~No~~ A public official or public employee ~~shall~~
16 may not solicit or ~~receive~~ accept anything for himself or
17 herself or for a family member of the public official or
18 public employee ~~or family member of the public official~~ for
19 the purpose of corruptly influencing official action,
20 regardless of whether or not the thing solicited or ~~received~~
21 accepted is ~~a thing of value~~ permitted pursuant to Section
22 36-25-5.1.

23 ~~(c) No person shall offer or give a family member of~~
24 ~~the public official or family member of the public employee~~
25 ~~anything for the purpose of corruptly influencing official~~
26 ~~action, regardless of whether or not the thing offered or~~
27 ~~given is a thing of value.~~

1 "~~(d)~~(c) ~~No~~ A public official or public employee,
2 ~~shall~~ may not solicit or ~~receive~~ accept any money, in addition
3 to that received by the public official or public employee in
4 an official capacity, for advice or assistance on matters
5 concerning the Legislature, lobbying a legislative body, an
6 executive department or any public regulatory board,
7 commission or other body of which he or she is a member.
8 Notwithstanding the foregoing, a governmental body for which
9 the public official serves or public employee works; provided,
10 however, nothing in this section shall be construed to
11 prohibit a public official or public employee from the
12 performance of his or her official duties or responsibilities.

13 "~~(e)~~(d) For purposes of this section, to act
14 corruptly means to act voluntarily, deliberately, and
15 dishonestly to either accomplish an unlawful end or result or
16 to use an unlawful method or means to accomplish an otherwise
17 lawful end or result.

18 "§36-25-8.

19 "~~No~~ A public official, public employee, former
20 public official, or former public employee, for a period
21 consistent with the statute of limitations as contained in
22 this chapter, shall may not use or disclose confidential
23 information gained in the course of or by reason of his or her
24 position or employment in any way that could result in
25 financial gain, other than his or her regular salary as such
26 public official or public employee, for himself or herself, ~~a~~
27 ~~family member of the public employee or family member of the~~

1 ~~public official,~~ or for any other ~~person or business~~
2 individual or entity.

3 "§36-25-9.

4 "(a) Unless expressly provided otherwise by law, ~~no~~
5 ~~person shall~~ an individual may not serve as a member or
6 employee of a state, county, or municipal regulatory board or
7 commission or other body that regulates any associated
8 ~~business with which he is associated~~ of the individual.

9 ~~Nothing herein shall prohibit real estate brokers, agents,~~
10 ~~developers, appraisers, mortgage bankers, or other persons~~

11 Subject to subsection (b), this subsection does not prohibit a
12 real estate broker, agent, developer, appraiser, mortgage
13 banker, or other individual in the real estate field, or other
14 state-licensed ~~professionals~~ professional, from serving on any
15 ~~planning boards or commissions, housing authorities~~ board or
16 commission, housing authority, zoning board, board of
17 adjustment, code enforcement board, industrial board,
18 utilities board, state board, or commission.

19 "(b) ~~All county or municipal regulatory boards,~~
20 ~~authorities, or commissions currently comprised of any real~~
21 ~~estate brokers, agents, developers, appraisers, mortgage~~
22 ~~bankers, or other persons in the real estate industry may~~
23 ~~allow these individuals to continue to serve out their current~~
24 ~~term if appointed before December 31, 1991, except that at the~~
25 ~~conclusion of such term subsequent appointments shall reflect~~
26 ~~that membership of real estate brokers and agents shall~~
27 Membership of real estate brokers and agents on a county or

1 municipal regulatory board or commission may not exceed more
2 than one less of a majority of any county or municipal
3 regulatory the board or commission effective January 1, 1994.

4 "(c) ~~No~~ A member of any county or municipal agency,
5 board, or commission shall commission, or authority may not
6 vote or participate in any matter in which the member or
7 family member of the member has any financial gain or
8 interest.

9 "~~(d) All acts, actions, and votes taken by such~~
10 ~~local boards and commissions between January 1, 1991 and~~
11 ~~December 31, 1993 are affirmed and ratified.~~

12 "§36-25-10.

13 "(a) (1) For purposes of this subsection, the term
14 state shall include the State of Alabama and any of its
15 agencies, departments, political subdivisions, counties,
16 colleges and universities and technical schools, the
17 Legislature, the appellate courts, district courts, circuit
18 courts and municipal courts, municipal corporations, and city
19 and county school systems.

20 (2) Each public official and the spouse of each
21 public official, as well as each candidate and the spouse of
22 each candidate, who is employed by the state or the federal
23 government, has a contract with the state or the federal
24 government, or works for a company that receives 50 percent or
25 more of its revenue from the state, shall notify the
26 commission of the employment or contract within 30 days of
27 beginning employment or within 30 days of the beginning of the

1 contract. Notification shall be in the form of a filing
2 described in subdivision (3).

3 "(3) A filing with the commission under subsection
4 (b) shall include all of the following:

5 "a. The name of the public official or candidate.

6 "b. The name of the spouse of the public official or
7 candidate.

8 "c. The department, agency, county, or municipality
9 with whom the public official, candidate, or spouse is
10 employed or with whom the public official, candidate, or
11 spouse has a contract.

12 "d. The exact job description or, if applicable, a
13 description of the contract.

14 "e. The beginning and ending dates of employment or,
15 if applicable, the beginning and ending dates of the contract.

16 "f. The compensation, including any and all salary,
17 allowances, and fees, received by the public official or his
18 or her spouse or the candidate or his or her spouse.

19 "(4) If the terms of employment or of the contract
20 change, the public official or his or her spouse or the
21 candidate or his or her spouse shall promptly provide updated
22 information concerning the change with the commission, which
23 shall revise such information in its files.

24 "(b) If a public official or public employee, ~~or a~~
25 family member of the public official or public employee, ~~or~~
26 family member of the public official, or a business with which
27 the person is associated, or an associated business of the

1 public official or public employee represents a client or
2 constituent for a fee before any ~~quasi-judicial board or~~
3 ~~commission, regulatory body, or executive department or agency~~
4 ~~governmental body, notice of the representation shall be given~~
5 ~~within the public official or public employee shall notify the~~
6 ~~commission not more than 10 days after the first day of the~~
7 ~~appearance. Notice shall be filed with the commission in the~~
8 ~~manner prescribed by it. No member of the Legislature shall~~
9 ~~for a fee, reward, or other compensation represent any person,~~
10 ~~firm, or corporation before the Public Service Commission or~~
11 ~~the State Board of Adjustment.~~

12 "(c) (1) If a public official, public employee, a
13 family member of the public official or public employee, or an
14 associated business of the public official or public employee
15 enters into a contract to provide goods or services that is to
16 be paid in whole or in part out of state, county, or municipal
17 funds, the public official or public employee shall provide a
18 copy of the contract to the commission not more than 10 days
19 after the contract has been executed.

20 "(2) Subdivision (1) does not apply to any contract
21 awarded through competitive bid laws; provided, however, this
22 subsection does not affect any duty or prohibition set forth
23 in Section 11-3-5.

24 "§36-25-12.

25 (a) No person shall A person may not offer or give
26 provide anything to a member or public official or public
27 employee of a governmental agency, board, or commission

1 regulatory body that regulates a the person or an associated
2 business with which of the person is associated, and no member
3 or unless under the circumstances it is not reasonable to
4 infer that the thing was intended to impair the impartiality
5 and independent judgment of the public official or public
6 employee.

7 "(b) A public official or public employee of a
8 regulatory body, shall may not solicit or accept a thing of
9 value while the member or employee is associated with the
10 regulatory body other than in the ordinary course of business
11 anything from a person who is regulated by, or an associated
12 business of the person is regulated by, the regulatory body
13 unless under the circumstances it is not reasonable to infer
14 that the thing was intended to impair the impartiality and
15 independent judgment of the public official or public
16 employee. In addition to the foregoing, the Commissioner of
17 the Department of Agriculture and Industries and any candidate
18 for the office of commissioner may not accept a campaign
19 contribution from a person associated with a business
20 regulated by the department.

21 "§36-25-13.

22 "(a) No An appointed public official, shall serve
23 for a fee for a period of two years after leaving service, may
24 not serve as a lobbyist or otherwise represent clients,
25 including his or her employer before the board, agency,
26 commission, department, or legislative governmental body, of
27 for which he or she is a former member for a period of two

1 ~~years after he or she leaves such membership. For the purposes~~
2 ~~of this subsection, such prohibition shall not include a~~
3 ~~former member of the Alabama judiciary who as an attorney~~
4 ~~represents a client in a legal, non-lobbying capacity had~~
5 ~~served.~~

6 " (b) ~~Notwithstanding the provisions of subsection~~
7 ~~(a), no An elected public official elected to a term of office~~
8 ~~shall serve for a fee , for a period of two years after the~~
9 ~~expiration of the term to which he or she was elected, may not~~
10 ~~serve as a lobbyist or otherwise represent clients, including~~
11 ~~his or her employer, before the board, agency, commission,~~
12 ~~department, or legislative governmental body of for which he~~
13 ~~or she is a former member for a period of two years following~~
14 ~~the term of office for which he or she was elected,~~
15 ~~irrespective of whether the member left the office prior to~~
16 ~~the expiration of the term to which he or she was elected. For~~
17 ~~the purposes of this subsection, such prohibition shall not~~
18 ~~include a former member of the Alabama judiciary who as an~~
19 ~~attorney represents a client in a legal, non-lobbying capacity~~
20 ~~had served, regardless of whether the public official leaves~~
21 ~~office before the expiration of the term.~~

22 " (c) ~~No A public employee shall serve for a fee as a~~
23 ~~lobbyist or otherwise represent clients, including his or her~~
24 ~~employer before the board, agency, commission, or department,~~
25 ~~of which he or she is a former employee or worked pursuant to~~
26 ~~an arrangement such as or an individual who works for a~~
27 ~~governmental body pursuant to a consulting agreement, agency~~

1 transfer, loan, or similar ~~agreement~~ arrangement, for a period
2 of two years after he or she leaves ~~such~~ the employment or
3 ~~working~~ other arrangement, may not serve as a lobbyist before
4 the governmental body for which he or she had worked. ~~For the~~
5 ~~purposes of this subsection, such prohibition shall not~~
6 ~~include a former employee of the Alabama judiciary who as an~~
7 ~~attorney represents a client in a legal, non-lobbying~~
8 ~~capacity.~~

9 "~~(d) Except as specifically set out in this section,~~
10 ~~no public official, director, assistant director, department~~
11 ~~or division chief, purchasing or procurement agent having the~~
12 ~~authority to make purchases, or any person who participates in~~
13 ~~the negotiation or approval of contracts, grants, or awards or~~
14 ~~any person who negotiates or approves contracts, grants, or~~
15 ~~awards shall enter into, solicit, or negotiate a contract,~~
16 ~~grant, or award with the governmental agency of which the~~
17 ~~person was a member or employee for a period of two years~~
18 ~~after he or she leaves the membership or employment of such~~
19 ~~governmental agency. Notwithstanding the prohibition in this~~
20 ~~subsection a person serving full-time as the director or a~~
21 ~~department or division chief who has retired from a~~
22 ~~governmental agency may enter into a contract with the~~
23 ~~governmental agency of which the person was an employee for~~
24 ~~the specific purpose of providing assistance to the~~
25 ~~governmental agency during the transitional period following~~
26 ~~retirement, but only if all of the following conditions are~~
27 ~~met:~~

1 ~~"(1) The contract does not extend for more than~~
2 ~~three months following the date of retirement.~~

3 ~~"(2) The retiree is at all times in compliance with~~
4 ~~Section 36-27-8.2.~~

5 ~~"(3) The compensation paid to the retiree through~~
6 ~~the contract, when combined with the monthly retirement~~
7 ~~compensation paid to the retiree, does not exceed the gross~~
8 ~~monthly compensation paid to the retiree on the date of~~
9 ~~retirement.~~

10 ~~"(4) The contract is submitted to and approved by~~
11 ~~the Director of the Ethics Commission as satisfying the above~~
12 ~~conditions prior to the date the retiree begins work under the~~
13 ~~contract.~~

14 ~~"(e) Notwithstanding subsection (d), a municipality~~
15 ~~may rehire a retired law enforcement officer or a retired~~
16 ~~firefighter formerly employed by the municipality at any time~~
17 ~~to provide public safety services if all of the following~~
18 ~~conditions are satisfied:~~

19 ~~"(1) A local law is enacted authorizing the rehire~~
20 ~~of retired law enforcement officers or firefighters formerly~~
21 ~~employed by the municipality.~~

22 ~~"(2) The municipality rehiring a retiree provides a~~
23 ~~copy of the local law referenced in subdivision (1) to the~~
24 ~~Director of the Ethics Commission.~~

25 ~~"(3) Upon a determination to rehire a retired law~~
26 ~~enforcement officer or firefighter, the municipality~~

1 ~~immediately provides notice to the Director of the Ethics~~
2 ~~Commission that the former employee is being rehired.~~

3 "(d) (1) A public official or public employee who has
4 authority over procurements or who recommends or materially
5 influences the approval of grants, awards, or contracts for
6 goods or services, or a member of the governing body of any
7 county or municipality, for a period of two years after
8 leaving service or employment, may not enter into, solicit, or
9 negotiate, and may not represent a business that seeks to
10 enter into, solicit, or negotiate, a grant, award, or contract
11 for goods or services with the governmental body for which he
12 or she had served or worked.

13 "(2) Notwithstanding subdivision (1), an individual
14 who has retired after serving full-time as the director or a
15 department or division chief of a governmental body may enter
16 into a contract with the governmental body of which the
17 individual was an employee for the specific purpose of
18 providing assistance to the governmental body during the
19 transitional period following retirement, but only if all of
20 the following conditions are met:

21 "a. The contract does not extend for more than three
22 months following the date of retirement.

23 "b. The retiree is at all times in compliance with
24 Section 36-27-8.2.

25 "c. The compensation paid to the retiree through the
26 contract, when combined with the monthly retirement
27 compensation paid to the retiree, does not exceed the gross

1 monthly compensation paid to the retiree on the date of
2 retirement.

3 "d. The contract is submitted to and approved by the
4 director of the commission as satisfying the conditions in
5 this subdivision prior to the date the retiree begins work
6 under the contract.

7 ~~"(f)(e) No A~~ public official or public employee who
8 personally participates in the direct regulation, audit, or
9 investigation of a private business, corporation, partnership,
10 or individual, ~~shall within two years of his or her departure~~
11 ~~from such employment~~ for a period of two years after leaving
12 service or employment, may not solicit or accept employment
13 with ~~such~~ that private business, corporation, partnership, or
14 individual.

15 ~~"(g) No former public official or public employee of~~
16 ~~the state may, within two years after termination of office or~~
17 ~~employment, act as attorney for any person other than himself~~
18 ~~or herself or the state, or aid, counsel, advise, consult or~~
19 ~~assist in representing any other person, in connection with~~
20 ~~any judicial proceeding or other matter in which the state is~~
21 ~~a party or has a direct and substantial interest and in which~~
22 ~~the former public official or public employee participated~~
23 ~~personally and substantially as a public official or employee~~
24 ~~or which was within or under the public official or public~~
25 ~~employee's official responsibility as an official or employee.~~
26 ~~This prohibition shall extend to all judicial proceedings or~~
27 ~~other matters in which the state is a party or has a direct~~

1 ~~and substantial interest, whether arising during or subsequent~~
2 ~~to the public official or public employee's term of office or~~
3 ~~employment.~~

4 " (f) Notwithstanding the forgoing, this section
5 does not limit or prohibit any of the following:

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

9 "(2) A former public employee from entering into a
10 consulting agreement with his or her former employer to
11 provide personal consulting services, unless otherwise
12 restricted or prohibited by law.

13 "(3) A public official or public employee from
14 accepting employment with another public employer and from
15 representing the interests of that public employer before the
16 governmental body for which he or she had served or worked.

17 "(4) An attorney from representing a client in a
18 non-lobbying, legal capacity as an attorney.

19 ~~"(h)~~ (g) Nothing in this chapter shall be deemed to
20 limit the right of a public official or public employee to
21 publicly or privately express his or her support for or to
22 encourage others to support and contribute to any ~~candidate~~
23 principal campaign committee as defined in Section 17-5-2,
24 political action committee as defined in Section 17-22A-2
25 ~~[sic]~~ 17-5-1, referendum, ballot question, issue, or
26 constitutional amendment.

27 "§36-25-14.

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

6 "(1) All elected public officials at the state,
7 county, or municipal level of government ~~or their~~
8 ~~instrumentalities.~~

9 "~~(2) Any person appointed as a public official and~~
10 ~~any person employed as a public employee at the state, county,~~
11 ~~or municipal level of government or their instrumentalities~~
12 ~~who occupies a position whose base pay is seventy-five~~
13 ~~thousand dollars (\$75,000) or more annually, as adjusted by~~
14 ~~the commission by January 31 of each year to reflect changes~~
15 ~~in the U.S. Department of Labor's Consumer Price Index, or a~~
16 ~~successor index.~~

17 "~~(3) All candidates, provided the statement is filed~~
18 ~~on the date the candidate files his or her qualifying papers~~
19 ~~or, in the case of an independent candidate, on the date the~~
20 ~~candidate complies with the requirements of Section 17-9-3.~~

21 "(2) In addition to filing a statement under Section
22 36-25-15, any individual who remains qualified as a candidate
23 as of January 1 of the filing year.

24 "~~(4) (3) Members of the Alabama Ethics Commission.~~
25 ~~appointed members~~

1 "(4) Members of boards and commissions having
2 statewide jurisdiction, ~~(but excluding members of solely~~
3 advisory boards).

4 "(5) Members of local boards and commissions, but
5 excluding members of solely advisory boards that do not have
6 authority to expend public funds in excess of fifty thousand
7 dollars (\$50,000) per year, and excluding members of any board
8 that administers a local retirement plan, provided the state
9 has no direct or indirect obligation to participants of the
10 retirement plan.

11 ~~"(5) All full-time nonmerit employees, other than~~
12 ~~those employed in maintenance, clerical, secretarial, or other~~
13 ~~similar positions.~~

14 ~~"(6) Chief clerks and chief managers.~~

15 ~~"(7) Chief county clerks and chief county managers.~~

16 ~~"(8) Chief administrators.~~

17 ~~"(9) Chief county administrators.~~

18 ~~"(10)~~ (6) Any public official or public employee
19 whose primary duty is to invest public funds.

20 ~~"(11)~~ (7) Chief county and municipal clerks,
21 managers, administrators, and administrative officers of any
22 political subdivision.

23 ~~"(12)~~ (8) Chief and ~~assistant~~ deputy county and
24 municipal building inspectors.

25 ~~"(13)~~ (9) Any county or municipal administrator with
26 power to grant or deny land development permits.

27 ~~"(14) Chief municipal clerks.~~

1 "(10) Directors and assistant directors of county
2 and municipal regulatory boards, commissions, and authorities.

3 "(11) Directors and assistant directors of county
4 and municipal utility boards, commissions, and authorities.

5 "~~(15)~~ (12) Chiefs of police.

6 "~~(16)~~ (13) Fire chiefs.

7 "~~(17)~~ (14) City and county school superintendents and
8 school board members.

9 "~~(18)~~ (15) City and county school principals or
10 administrators.

11 "(16) The superintendent or chief executive officer
12 and members of the board of directors or board of trustees of
13 every state K-12 public school.

14 "(17) Principals or administrators of every state
15 K-12 public school.

16 "(18) Members of the boards of trustees of each
17 public two-year and four-year institution of higher education
18 that receives appropriations.

19 "~~(19) Purchasing~~ Any public official or public
20 employee who is a purchasing or procurement ~~agents~~ agent
21 having the independent authority to make any purchase.

22 "(20) Each public employee whose job responsibility
23 includes the recommendation of contracts for goods or services
24 through competitive bidding or public works contracts.

25 "~~(20)~~ (21) Directors and assistant directors of state
26 agencies.

27 "~~(21)~~ (22) Chief financial and accounting directors.

1 ~~"(22)~~ (23) Chief grant coordinators.

2 ~~"(23)~~ (24) Each employee of the Legislature or of
3 agencies, including temporary committees and commissions
4 established by the Legislature, other than those employed in
5 maintenance, clerical, secretarial, or similar positions.

6 ~~"(24)~~ (25) Each employee of the Judicial Branch of
7 government, including active supernumerary ~~district attorneys~~
8 ~~and~~ judges, other than magistrates and those employed in
9 maintenance, clerical, secretarial, or other similar
10 positions.

11 "(26) Each active supernumerary district attorney.

12 ~~"(25)~~ ~~Every full-time public employee serving as a~~
13 ~~supervisor.~~

14 ~~"(b) Unless otherwise required by law, no public~~
15 ~~employee occupying a position earning less than seventy-five~~
16 ~~thousand dollars (\$75,000) per year shall be required to file~~
17 ~~a statement of economic interests, as adjusted by the~~
18 ~~commission by January 31 of each year to reflect changes in~~
19 ~~the U.S. Department of Labor's Consumer Price Index, or a~~
20 ~~successor index. Notwithstanding the provisions of subsection~~
21 ~~(a) or any other provision of this chapter, no coach of an~~
22 ~~athletic team of any four-year institution of higher education~~
23 ~~which that receives state funds shall be required to include~~
24 ~~any income, donations, gifts, or benefits, other than salary,~~
25 ~~on the statement of economic interests, if the income,~~
26 ~~donations, gifts, or benefits are a condition of the~~
27 ~~employment contract. Such The statement shall be made on a~~

1 form made available by the commission. The duty to file the
2 statement of economic interests shall rest with the ~~person~~
3 individual covered by this chapter. Nothing in this chapter
4 shall be construed to exclude any public employee or public
5 official from this chapter regardless of whether they are
6 required to file a statement of economic interests. The
7 statement shall contain the following information ~~on the~~
8 ~~person making the filing~~:

9 "(1) Name, residential address, and business of the
10 filing party; name, address, and business of living spouse and
11 dependents; name of living adult children; name of parents and
12 siblings; name of living parents of spouse. Undercover law
13 enforcement officers may have their residential addresses and
14 the names of family members removed from public scrutiny by
15 filing an affidavit stating that publicizing this information
16 would potentially endanger their families.

17 "(2) A list of occupations to which one third or
18 more of working time was given during previous reporting year
19 by the ~~public official, public employee,~~ filing party or his
20 or her spouse.

21 "(3) A listing of total combined household income of
22 the ~~public official or public employee~~ filing party during the
23 most recent reporting year as to income from salaries, fees,
24 dividends, profits, commissions, and other compensation and
25 listing the names of each business and the income derived from
26 such business in the following categorical amounts: less than
27 one thousand dollars (\$1,000); at least one thousand dollars

1 (\$1,000) and less than ten thousand dollars (\$10,000); at
2 least ten thousand dollars (\$10,000) and less than fifty
3 thousand dollars (\$50,000); at least fifty thousand dollars
4 (\$50,000) and less than one hundred fifty thousand dollars
5 (\$150,000); at least one hundred fifty thousand dollars
6 (\$150,000) and less than two hundred fifty thousand dollars
7 (\$250,000); or at least two hundred fifty thousand dollars
8 (\$250,000) or more. The person reporting shall also name any
9 business or subsidiary thereof in which he or she or his or
10 her spouse or dependents, jointly or severally, own five
11 percent or more of the stock or in which he or she or his or
12 her spouse or dependents serves as an officer, director,
13 trustee, or consultant where the service provides income of at
14 least one thousand dollars (\$1,000) and less than five
15 thousand dollars (\$5,000); or at least five thousand dollars
16 (\$5,000) or more for the reporting period.

17 "(4) If the filing ~~public official or public~~
18 ~~employee,~~ party or his or her spouse, has engaged in a
19 business during the last reporting year which provides legal,
20 accounting, medical or health related, real estate, banking,
21 insurance, educational, farming, engineering, architectural
22 management, or other professional services or consultations,
23 then the filing party shall report the number of clients of
24 such business in each of the following categories and the
25 income in categorical amounts received during the reporting
26 period from the combined number of clients in each category:
27 Electric utilities, gas utilities, telephone utilities, water

1 utilities, cable television companies, intrastate
2 transportation companies, pipeline companies, oil or gas
3 exploration companies, or both, oil and gas retail companies,
4 banks, savings and loan associations, loan or finance
5 companies, or both, manufacturing firms, mining companies,
6 life insurance companies, casualty insurance companies, other
7 insurance companies, retail companies, beer, wine or liquor
8 companies or distributors, or combination thereof, trade
9 associations, professional associations, governmental
10 associations, associations of public employees or public
11 officials, counties, and any other businesses or associations
12 that the commission may deem appropriate. Amounts received
13 from combined clients in each category shall be reported in
14 the following categorical amounts: Less than one thousand
15 dollars (\$1,000); more than one thousand dollars (\$1,000) and
16 less than ten thousand dollars (\$10,000); at least ten
17 thousand dollars (\$10,000) and less than twenty-five thousand
18 dollars (\$25,000); at least twenty-five thousand dollars
19 (\$25,000) and less than fifty thousand dollars (\$50,000); at
20 least fifty thousand dollars (\$50,000) and less than one
21 hundred thousand dollars (\$100,000); at least one hundred
22 thousand dollars (\$100,000) and less than one hundred fifty
23 thousand dollars (\$150,000); at least one hundred fifty
24 thousand dollars (\$150,000) and less than two hundred fifty
25 thousand dollars (\$250,000); or at least two hundred fifty
26 thousand dollars (\$250,000) or more.

1 "(5) If retainers are in existence or contracted for
2 in any of the ~~above~~ categories of clients provided in
3 subdivision (4), a listing of the categories along with the
4 anticipated income to be expected annually from each category
5 of clients shall be shown in the following categorical
6 amounts: Less than one thousand dollars (\$1,000); at least one
7 thousand dollars (\$1,000) and less than five thousand dollars
8 (\$5,000); or at least five thousand dollars (\$5,000) or more.

9 "(6) If real estate is held for investment or
10 revenue production by a public official, ~~his or her spouse or~~
11 ~~dependents~~, or any family member of the public official, then
12 a listing thereof in the following fair market value
13 categorical amounts: Under fifty thousand dollars (\$50,000);
14 at least fifty thousand dollars (\$50,000) and less than one
15 hundred thousand dollars (\$100,000); at least one hundred
16 thousand dollars (\$100,000) and less than one hundred fifty
17 thousand dollars (\$150,000); at least one hundred fifty
18 thousand dollars (\$150,000) and less than two hundred fifty
19 thousand dollars (\$250,000); at least two hundred fifty
20 thousand dollars (\$250,000) or more. A listing of annual gross
21 rent and lease income on real estate shall be made in the
22 following categorical amounts: Less than ten thousand dollars
23 (\$10,000); at least ten thousand dollars (\$10,000) and less
24 than fifty thousand dollars (\$50,000); fifty thousand dollars
25 (\$50,000) or more. If a public official or ~~a~~ an associated
26 business in which the person is associated of the public
27 official received rent or lease income from any governmental

1 agency in Alabama, specific details of the lease or rent
2 agreement shall be filed with the commission.

3 "(7) A listing of indebtedness to businesses
4 operating in Alabama showing types and number of each as
5 follows: Banks, savings and loan associations, insurance
6 companies, mortgage firms, stockbrokers and brokerages or bond
7 firms; and the indebtedness to combined organizations in the
8 following categorical amounts: Less than twenty-five thousand
9 dollars (\$25,000); twenty-five thousand dollars (\$25,000) and
10 less than fifty thousand dollars (\$50,000); fifty thousand
11 dollars (\$50,000) and less than one hundred thousand dollars
12 (\$100,000); one hundred thousand dollars (\$100,000) and less
13 than one hundred fifty thousand dollars (\$150,000); one
14 hundred fifty thousand dollars (\$150,000) and less than two
15 hundred fifty thousand dollars (\$250,000); two hundred fifty
16 thousand dollars (\$250,000) or more. The commission may add
17 additional business to this listing. Indebtedness associated
18 with the homestead of the person filing is exempted from this
19 disclosure requirement.

20 "(c) Filing required by this section shall reflect
21 information and facts in existence at the end of the reporting
22 year.

23 "(d) If the information required herein is not filed
24 as required, the commission shall notify the public official
25 or public employee concerned as to his or her failure to so
26 file and the public official or public employee shall have 10
27 days to file the report after receipt of the notification. The

1 commission may, ~~in its discretion,~~ assess a fine of ten
2 dollars (\$10) a day, not to exceed one thousand dollars
3 (\$1,000), for failure to file timely.

4 "(e) Upon petition, the commission may waive the
5 filing requirement if the filer is deceased or incapable of
6 filing due to infirmity or due to active service in the
7 military.

8 ~~"(e)(f)(1) A person~~ An individual who intentionally
9 violates any financial disclosure filing requirement of this
10 ~~chapter~~ section shall be subject to administrative fines
11 imposed by the commission, or shall, ~~upon conviction,~~ be
12 guilty, upon conviction, of a Class A misdemeanor, or both.

13 ~~"(2) Any person~~ An individual who unintentionally
14 neglects to include any information relating to the financial
15 disclosure filing requirements of this ~~chapter~~ section shall
16 have 90 days to file an amended statement of economic
17 interests without penalty.

18 "§36-25-15.

19 "(a) Candidates at every level of government shall
20 file a completed statement of economic interests for the
21 previous calendar year with the ~~State Ethics Commission~~
22 commission not more than five days after the candidate files
23 his or her qualifying papers with the appropriate election
24 official or in the case of an independent candidate, not more
25 than five days after the date the ~~person~~ individual complies
26 with the requirements of Section 17-9-3. Nothing in this
27 section shall be deemed to require a second filing of the

1 ~~person's~~ individual's statement of economic interests if a
2 current statement of economic interests is on file with the
3 commission.

4 "(b) Each election official who receives a
5 declaration of candidacy or petition to appear on the ballot
6 for election from a candidate, within five days of the
7 receipt, shall notify the commission of the name of the
8 candidate, as defined in this chapter, and the date on which
9 the ~~person~~ individual became a candidate. The commission,
10 within five business days of receipt of the notification,
11 shall notify the election official whether the candidate has
12 complied with this section.

13 "(c) Other provisions of the law notwithstanding, if
14 a candidate does not submit a statement of economic interests
15 or when applicable, an amended statement of economic interests
16 in accordance with the requirements of this chapter, the name
17 of the ~~person~~ individual shall not appear on the ballot and
18 the candidate shall be deemed not qualified as a candidate in
19 that election. Notwithstanding the foregoing, the commission,
20 for good cause shown, may allow the candidate an additional
21 five days to file the statement of economic interests. If a
22 candidate is deemed not qualified, the appropriate election
23 official shall remove the name of the candidate from the
24 ballot.

25 "§36-25-16.

26 "(a) When any ~~citizen of the state or business with~~
27 ~~which he or she is~~ individual or associated business of the

1 individual represents for a fee any person before a ~~regulatory~~
2 ~~governmental~~ body of the Executive Branch, ~~he or she~~ the
3 individual shall report to the commission the name of any
4 adult child, parent, spouse, brother, or sister who is a
5 public official or a public employee of that ~~regulatory~~
6 ~~governmental~~ body of the Executive Branch.

7 "(b) When any ~~citizen of the state or business with~~
8 ~~which the person is~~ individual or associated business of the
9 individual enters into a contract for the sale of goods or
10 services to ~~the State of Alabama or any of its agencies or any~~
11 ~~county or municipality and any of their respective agencies~~
12 any governmental body in amounts exceeding seven thousand five
13 hundred dollars (\$7,500), ~~he or she~~ the individual shall
14 report to the commission the names of any adult child, parent,
15 spouse, brother, or sister who is a public official or public
16 employee of ~~the agency or department~~ that governmental body
17 with ~~whom~~ which the contract is made.

18 "(c) This section shall not apply to any contract
19 for the sale of goods or services awarded through a process of
20 public notice and competitive bidding.

21 "(d) Each ~~regulatory~~ governmental body of the
22 ~~Executive Branch, or any agency of the State of Alabama~~ shall
23 be responsible for notifying ~~citizens~~ individuals affected by
24 this chapter of the requirements of this section.

25 "§36-25-17.

26 "(a) ~~Every governmental agency head shall within 10~~
27 ~~days file reports with the commission on any matters that come~~

1 ~~to his or her attention~~ The head of every governmental body
2 who is notified in his or her official capacity ~~which~~
3 ~~constitute~~ of any matter that constitutes a violation of this
4 chapter shall file a report with the commission within 10 days
5 of learning of the suspected violation.

6 "(b) The Attorney General, a district attorney, or
7 any state or local law enforcement agency that initiates an
8 investigation of any suspected violation of this chapter shall
9 refer the matter to the commission so that the commission may
10 further investigate pursuant to Section 36-25-4.

11 ~~"(b)(c) Governmental agency heads~~ The head of every
12 governmental body, the Attorney General, the district
13 attorneys, and state and local law enforcement agencies shall
14 cooperate in every possible manner in connection with any
15 investigation or hearing, public or private, which may be
16 conducted by the commission.

17 "§36-25-18.

18 "(a) Every lobbyist shall register by filing a form
19 prescribed by the commission no later than January 31 of each
20 year or within 10 days after the first undertaking requiring
21 such registration. Each lobbyist, ~~except public employees who~~
22 ~~are lobbyists,~~ shall pay an annual fee of one hundred dollars
23 (\$100) on or before January 31 of each year or within 10 days
24 of the first undertaking requiring ~~such~~ registration.

25 "(b) The registration shall be in writing and shall
26 contain the following information:

1 "(1) The registrant's full name, ~~and~~ business
2 address, telephone number, and e-mail address.

3 "~~(2) The registrant's normal business and address.~~
4 If the registrant is an entity, the full names of all
5 individuals engaged in lobbying.

6 "(3) The full name and address of each of the
7 registrant's ~~principal or~~ principals.

8 "(4) The listing of the categories of subject
9 matters on which the registrant is to communicate directly
10 with a member of the legislative body to influence legislation
11 or legislative action.

12 "(5) If a registrant's lobbying activity is ~~done on~~
13 ~~behalf of the members of a group other than a corporation~~
14 conducted on behalf of a principal that is an association or
15 organization, a categorical disclosure of the number of
16 ~~persons of the group~~ individual members in the association or
17 organization as follows: 1-5; 6-10; 11-25; over 25.

18 "(6) A statement signed by each principal that he or
19 she has read the registration, knows its contents and has
20 authorized the registrant to be a lobbyist ~~in~~ on his or her
21 behalf as specified therein, and that no compensation will be
22 paid to the registrant contingent upon passage or defeat of
23 any legislative measure. If the principal is an entity, the
24 statement must be signed by the individual who is responsible
25 for reporting under Section 36-25-19.

26 "(c) A registrant shall file a supplemental
27 registration indicating any substantial change or changes in

1 the information contained in the prior registration within 10
2 days after the date of the change.

3 "§36-25-19.

4 "(a) Every person registered as a lobbyist pursuant
5 to Section 36-25-18 and every principal ~~employing any lobbyist~~
6 shall file with the commission a report provided by the
7 commission pertaining to the activities set out in that
8 section. The report shall be filed with the commission no
9 later than January 31, April 30, July 31, and October 31 for
10 each preceding calendar quarter, and contain, but not be
11 limited to, the following information:

12 "(1) The cost of ~~those items excluded from the~~
13 ~~definition of a thing of value which are described in Section~~
14 ~~36-25-1(34)b.~~ anything provided to a public official, public
15 employee, or family member of the public official or public
16 employee as permitted under Section 36-25-5.1 and which are is
17 expended within a 24-hour period on ~~a~~ the public official,
18 public employee, ~~and members of his or her respective~~
19 ~~household~~ or family member in excess of two hundred fifty
20 dollars (\$250) with the name or names of the recipient or
21 recipients and the date of the expenditure.

22 "(2) The nature and date of any financial
23 transaction between ~~the~~ a public official, a candidate, or a
24 family member of the ~~household of such~~ public official or
25 candidate and the lobbyist or principal of a value in excess
26 of five hundred dollars (\$500) in the prior quarter, excluding
27 those financial transactions which are required to be reported

1 by candidates under the Fair Campaign Practices Act ~~as~~
2 ~~provided in Chapter 22A (commencing with Section 17-22A-1) of~~
3 ~~Title 17.~~

4 "(3) A detailed statement showing the exact amount
5 of any loan ~~given~~ provided or promised to a public official,
6 candidate, or family member of the public official or
7 candidate.

8 "(4) A detailed statement showing any direct
9 business association or partnership with any public official,
10 candidate, or ~~members of the household of such~~ family member
11 of the public official or candidate; provided, however, that
12 campaign expenditures shall not be deemed a business
13 association or partnership.

14 "(b) Any ~~person~~ individual not otherwise deemed a
15 lobbyist pursuant to this chapter who ~~negotiates or attempts~~
16 ~~to negotiate a contract, sells or attempts to sell goods or~~
17 ~~services, engages or attempts to engage in a financial~~
18 ~~transaction with a public official or public employee in their~~
19 ~~official capacity~~ does any of the following and who within a
20 calendar day expends in excess of two hundred fifty dollars
21 (\$250) on ~~such~~ the public official, public employee, ~~public~~
22 ~~official, and his or her respective household~~ or a family
23 member of the public official or public employee, shall file a
24 detailed quarterly report of the expenditure with the
25 commission:

1 "(1) Negotiates or attempts to negotiate a contract
2 with a public official or public employee in the official's or
3 employee's official capacity.

4 "(2) Sells or attempts to sell goods or services to
5 a public official or public employee in the official's or
6 employee's official capacity.

7 "(3) Engages or attempts to engage in a financial
8 transaction with a public official or public employee in the
9 official's or employee's official capacity.

10 "(c) Any other provision of this chapter to the
11 contrary notwithstanding, ~~no~~ an organization whose officer or
12 employee serves as a public official ~~under this chapter~~ shall
13 not be required to report expenditures or ~~reimbursement~~
14 reimbursements paid to ~~such~~ the officer or employee in the
15 performance of the duties with the organization.

16 "§36-25-23.

17 ~~"(a) (1) No public official elected to a term of~~
18 ~~office shall serve for a fee as a lobbyist or otherwise~~
19 ~~represent a client, including his or her employer, before any~~
20 ~~legislative body or any branch of state or local government,~~
21 ~~including the executive and judicial branches of government,~~
22 ~~and including the Legislature of Alabama or any board, agency,~~
23 ~~commission, or department thereof, during the term or~~
24 ~~remainder of the term for which the official was elected. For~~
25 ~~purposes of this subsection, such prohibition shall not~~
26 ~~include a former member of the Alabama Judiciary who as an~~
27 ~~attorney represents a client in a legal, non-lobbying~~

1 ~~capacity.~~ An elected public official to a statewide office or
2 member of the Legislature, during his or her term to which he
3 or she was elected regardless of whether the public official
4 leaves office before the term expires, may not serve as a
5 lobbyist before any department, agency, regulatory body, or
6 legislative body at the state or local level.

7 "(2) An elected public official to a county or
8 municipal office, during his or her term to which he or she
9 was elected, regardless of whether the public official leaves
10 office before the term expires, may not serve as a lobbyist
11 before any department, agency, regulatory body, or legislative
12 body within the jurisdiction of the county or municipal office
13 for which the public official is serving or had served.

14 "(b) A public official or public employee may not
15 use or attempt to use his or her official authority or
16 position for the purpose of influencing the vote or political
17 action of any individual. A public official or public employee
18 who violates this subsection shall be guilty of a Class C
19 felony.

20 ~~"(b)(c) No~~ A former member of the House of
21 Representatives or the Senate of the State of Alabama ~~shall~~
22 may not be extended floor privileges of either body in a
23 lobbying capacity.

24 ~~"(c) No public official, public employee, or group~~
25 ~~of public officials or public employees shall solicit any~~
26 ~~lobbyist to give any thing whether or not the thing solicited~~

1 ~~is a thing of value to any person or entity for any purpose~~
2 ~~other than a campaign contribution.~~

3 "(d) ~~No~~ A principal or lobbyist shall may not accept
4 compensation for, or enter into a contract to provide,
5 lobbying services which is contingent upon the passage or
6 defeat of any legislative action.

7 "§36-25-24.

8 "(a) As used in this section, "report of a
9 violation" or "reports a violation" means a communication made
10 in writing, in good faith, to a supervisor of the public
11 employee, the Office of the Attorney General, a law
12 enforcement agency, or the commission, of a violation, or what
13 he or she believes in good faith to be a violation, of this
14 chapter. The term includes, but is not limited to, filing a
15 complaint, initiating a complaint, or giving truthful
16 statements or truthful testimony concerning an alleged
17 violation.

18 "(b) (1) A supervisor shall not discharge, demote,
19 transfer, or otherwise discriminate take an adverse employment
20 action against a public employee regarding such employee's
21 with respect to compensation, terms, conditions, or privileges
22 of employment based on the public employee's reporting report
23 of a violation, or what he or she believes in good faith to be
24 a violation, of this chapter or giving truthful statements or
25 truthful testimony concerning an alleged ethics violation.

26 "(2) A supervisor who violates this subsection shall
27 be subject to civil action in circuit court.

1 "(3) A public employee may bring a civil action in
2 circuit court for an alleged violation of this subsection
3 within two years after the occurrence of the adverse action
4 taken against the public employee. The court may order
5 reinstatement of employment, payment of back wages, or
6 compensatory damages, or any combination of these remedies, in
7 a civil action initiated under this subsection.

8 "~~(b)~~ (c) Nothing in this chapter shall be construed
9 in any manner to prevent or prohibit or otherwise limit a
10 supervisor from disciplining, discharging, transferring, or
11 otherwise ~~affecting the terms and conditions of a public~~
12 ~~employee's~~ taking an adverse employment action against a
13 public employee so long as the ~~disciplinary~~ adverse employment
14 action does not result from or is in no other manner connected
15 with the public employee's ~~filing a complaint with the~~
16 ~~commission, giving truthful statements, and truthfully~~
17 ~~testifying~~ report of a violation.

18 "~~(c)~~ (d) (1) No public employee shall ~~file a complaint~~
19 ~~or otherwise initiate action~~ report a violation against a
20 public official or other public employee without a good faith
21 basis for believing the ~~complaint~~ report to be true and
22 accurate.

23 "~~(d)~~ ~~A supervisor who is alleged to have violated~~
24 ~~this section shall be subject to civil action in the circuit~~
25 ~~courts of this state pursuant to the Alabama Rules of Civil~~
26 ~~Procedure as promulgated by the Alabama Supreme Court.~~

1 "~~(e)~~ (2) A public employee who reports a violation
2 against a public official or other public employee without a
3 good faith belief in the truthfulness and accuracy of a
4 ~~complaint~~ the report filed against a supervisor, shall be
5 subject to a civil action in ~~the circuit courts~~ court in the
6 ~~State of Alabama pursuant to the Alabama Rules of Civil~~
7 ~~Procedure as promulgated by the Supreme Court. Additionally, a~~
8 ~~public employee who without a good faith belief in the~~
9 ~~truthfulness and accuracy of a complaint as filed against a~~
10 ~~supervisor shall be subject to appropriate and applicable~~
11 ~~personnel~~ and is subject to appropriate employment action.

12 "~~(f)~~ (e) Nothing in this section shall be construed
13 to allow a public employee to ~~file a complaint~~ allege a
14 violation of this chapter not made in good faith, in order to
15 prevent, mitigate, lessen, or otherwise to extinguish existing
16 or anticipated ~~personnel~~ adverse employment action by a
17 supervisor. A public employee who willfully ~~files such a~~
18 ~~complaint~~ alleges a violation of this chapter not made in good
19 faith against a supervisor ~~shall,~~ upon conviction, shall be
20 guilty of the crime of false reporting."

21 "§36-25-27.

22 "(a) (1) Except as otherwise provided, any ~~person~~
23 individual subject to this chapter who intentionally violates
24 any provision of this chapter other than those for which a
25 separate penalty is provided for ~~in this section shall, upon~~
26 ~~conviction,~~ be guilty of a Class B felony.

1 "(2) Any ~~person~~ individual subject to this chapter
2 who violates any provision of this chapter other than those
3 for which a separate penalty is provided for ~~in this section~~
4 shall, ~~upon conviction,~~ be guilty of a Class A misdemeanor.

5 "(3) Any ~~person~~ individual subject to this chapter
6 who knowingly violates any disclosure requirement of this
7 chapter shall, ~~upon conviction,~~ be guilty of a Class A
8 misdemeanor.

9 "(4) Any ~~person~~ individual who knowingly makes or
10 transmits a false report or complaint pursuant to this chapter
11 shall, ~~upon conviction,~~ be guilty of a Class A misdemeanor and
12 shall be liable for the actual legal expenses incurred by the
13 respondent against whom the false report or complaint was
14 filed.

15 "(5) Any ~~person~~ individual who makes false
16 statements to an employee of the commission or to the
17 commission itself pursuant to this chapter without reason to
18 believe the accuracy of the statements shall, ~~upon conviction,~~
19 be guilty of a Class A misdemeanor.

20 "~~(6) Any person subject to this chapter who~~
21 ~~intentionally violates this chapter relating to secrecy shall,~~
22 ~~upon conviction, be guilty of a Class C felony.~~

23 "~~(7)~~ (6) Any person subject to this chapter who
24 intentionally fails to disclose information required by this
25 chapter shall, ~~upon conviction,~~ be guilty of a Class A
26 misdemeanor.

1 "(b) If a respondent petitions the commission or the
2 respondent otherwise agrees to an administrative resolution of
3 the complaint filed against him or her, the commission may
4 administratively resolve a complaint filed pursuant to this
5 chapter for ~~minor violations~~ a violation described in this
6 subsection upon a unanimous vote and subsequent approval by
7 the appropriate district attorney or the Attorney General. The
8 commission may impose an administrative penalty not to exceed
9 six thousand dollars (\$6,000) for any ~~minor violation of this~~
10 ~~chapter~~ of the following:

11 "(1) A violation of this chapter in which a public
12 official receives an economic gain in an amount less than one
13 thousand five hundred dollars (\$1,500) or the governmental
14 entity has an economic loss of less than one thousand five
15 hundred dollars (\$1,500).

16 "(2) A violation of this chapter by a public
17 employee as determined in the discretion of the commission
18 based upon consideration of the following factors:

19 "a. Whether the public employee has made substantial
20 or full restitution to the victim or victims.

21 "b. Whether the violation involved one or multiple
22 participants.

23 "c. Whether the violation involved great monetary
24 gain to the public employee or great monetary loss to the
25 victim or victims.

1 "d. Whether the violation involved a high degree of
2 sophistication or planning that occurred over a lengthy period
3 of time.

4 "e. Whether the violation involved a single victim
5 or multiple victims, and whether the victim or victims were
6 victimized more than once.

7 "f. Whether the public employee has resigned or been
8 terminated from the position occupied during which the
9 violation occurred and is otherwise not a current public
10 employee.

11 "(c) In addition to any administrative penalty, the
12 commission shall order restitution in the amount of any
13 economic loss to the state, county, municipality, or
14 instrumentality of the state, county, or municipality, and
15 when collected, the restitution shall be paid by the
16 commission to the entity having the economic loss. The
17 commission, through its attorney, shall institute proceedings
18 to recover any penalties or restitution or other such funds so
19 ordered pursuant to this section which are not paid by, or on
20 behalf of, the public official or public employee or other
21 person who has violated this chapter. Nothing in this section
22 shall be deemed in any manner to prohibit the commission and
23 the respondent from entering into a consent decree settling a
24 complaint which has previously been designated by the
25 commission for administrative resolution, so long as the
26 consent decree is approved by the commission. If the
27 commission, the respondent, and the Attorney General or

1 district attorney having jurisdiction, all concur that a
2 complaint is deemed to be handled administratively, the action
3 shall preclude any criminal prosecution pursuant to this
4 chapter at the state, county, or municipal level.

5 "(d) The commission may issue a public reprimand or
6 private censure to a respondent for a first-time violation of
7 this chapter if the respondent, a family member of the
8 respondent, or an associated business of the respondent did
9 not receive any economic gain from the violation or the
10 violation solely involves a failure to timely file a report or
11 statement or an omission of nonsubstantive information from a
12 report or statement.

13 ~~"(c)(e) (1) The enforcement of this chapter shall be~~
14 ~~vested in the commission; provided, however, nothing in this~~
15 ~~chapter shall be deemed to limit or otherwise prohibit~~ If the
16 commission has made a finding of probable cause that a
17 violation of this chapter has occurred and has referred the
18 case to the Attorney General or the district attorney for the
19 appropriate jurisdiction as provided in Section 36-25-4(i),
20 ~~from enforcing~~ the Attorney General or district attorney may
21 enforce any provision of this chapter as they deem he or she
22 deems appropriate; provided, however, the Attorney General and
23 any district attorney may not present any case involving a
24 suspected criminal violation of this chapter to a grand jury
25 unless the commission first made a finding of probable cause
26 and referred the case for prosecution. In the event the
27 ~~commission, by majority vote, finds that any provision of this~~

1 ~~chapter has been violated, the alleged violation and any~~
2 ~~investigation conducted by the commission shall be referred to~~
3 ~~the district attorney of the appropriate jurisdiction or the~~
4 ~~Attorney General.~~ The commission shall provide any and all
5 appropriate assistance to ~~such~~ the district attorney or
6 Attorney General. ~~Upon the request of such district attorney~~
7 ~~or the Attorney General, the commission may institute,~~
8 ~~prosecute, or take such other appropriate legal action~~
9 ~~regarding such violations, proceeding therein with all rights,~~
10 ~~privileges, and powers conferred by law upon assistant~~
11 ~~attorneys general.~~

12 "(2) Notwithstanding subdivision (1), the Attorney
13 General or the district attorney for the appropriate
14 jurisdiction, without input from the commission, may initiate
15 an investigation and enforce this chapter against any member
16 or employee of the commission who has violated this chapter.

17 ~~"(d)(f)~~ Nothing in this chapter limits the power of
18 the state to punish any person for any conduct which otherwise
19 constitutes a crime by statute or at common law.

20 ~~"(e)(g)~~ The penalties prescribed in this chapter do
21 not in any manner limit the power of a legislative body to
22 discipline its own members or to impeach public officials and
23 do not limit the powers of agencies, departments, boards, or
24 commissions to discipline their respective officials, members,
25 or employees.

26 ~~"(f)(h)~~ If a person fails to pay any penalty, fine,
27 or restitution imposed by the commission pursuant to this

1 chapter, the commission may file an action to collect the
2 penalty, fine, or restitution in the District Court or Circuit
3 Court of Montgomery County. The person shall be responsible
4 for paying all costs associated with the collection of the
5 penalty, fine, or restitution.

6 ~~"(g)~~ (i) Each district or circuit court of this state
7 shall have jurisdiction in all cases and actions relating to
8 the enforcement of this chapter, and the venue of any action
9 pursuant to this chapter shall be in the county in which the
10 alleged violation occurred, or in those cases where the
11 alleged violation occurred outside the State of Alabama or for
12 failure to properly or timely file any form required by the
13 commission, in Montgomery County. In the case of judicial
14 review of any administrative decision of the commission, the
15 commission's order, rule, or decision shall be taken as prima
16 facie just and reasonable and the court shall not substitute
17 its judgment for that of the commission as to the weight of
18 the evidence on questions of fact except where otherwise
19 authorized by law.

20 ~~"(h)~~ (j) (1) Any felony prosecution brought pursuant
21 to this chapter shall be commenced within four years after the
22 commission of the offense.

23 ~~"(i)~~ (2) Any misdemeanor prosecution brought pursuant
24 to this chapter shall be commenced within two years after the
25 commission of the offense.

1 "~~(j)~~(k) Nothing in this chapter is intended to nor
2 is to be construed as repealing in any way the provisions of
3 any of the criminal laws of this state."

4 Section 4. Sections 17-17-4, 36-25-1.1, 36-25-1.3,
5 36-25-5.2, 36-25-6, 36-25-11, and 36-25-22 of the Code of
6 Alabama 1975, are repealed.

7 Section 5. Although this bill would have as its
8 purpose or effect the requirement of a new or increased
9 expenditure of local funds, the bill is excluded from further
10 requirements and application under Amendment 621, now
11 appearing as Section 111.05 of the Official Recompilation of
12 the Constitution of Alabama of 1901, as amended, because the
13 bill defines a new crime or amends the definition of an
14 existing crime.

15 Section 6. This act shall become effective July 1,
16 2022, following its passage and approval by the Governor, or
17 its otherwise becoming law.