

1 HB278  
2 116314-1  
3 By Representatives DeMarco, Canfield and Williams (P)  
4 RFD: Judiciary  
5 First Read: 14-JAN-10

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8 SYNOPSIS: This bill would substantially revise the  
9 Ethics Law to: Revise the categories for reporting  
10 on the statement of economic interests; provide  
11 further for the appointment and confirmation of  
12 members of the Ethics Commission; allow four  
13 members of the commission to institute a complaint;  
14 broaden the definition of lobbying to include the  
15 executive branch; provide further for the  
16 definitions of family member of a public employee,  
17 personal gain, sphere of influence, and  
18 confidential information; and provide for the  
19 filing of electronic reports with the commission,  
20 and require mandatory ethics training for public  
21 officials, public employees, and lobbyists.

22  
23 A BILL  
24 TO BE ENTITLED  
25 AN ACT  
26

1           To amend Sections 36-25-1, 36-25-3, as amended by  
2 Act 225, 2009 Regular Session (Acts 2009, p. 401), 36-25-4,  
3 36-25-5, 36-25-10, 36-25-14, 36-25-18, 36-25-19, and 36-25-20,  
4 Code of Alabama 1975, relating to the Ethics Law; to revise  
5 the categories for reporting on the statement of economic  
6 interests, provide further for the appointment and  
7 confirmation of members of the Ethics Commission, allow four  
8 members of the commission to institute a complaint, broaden  
9 the definition of lobbying to include the executive branch.  
10 provide further for the definitions of family member of a  
11 public employee, personal gain, sphere of influence, and  
12 confidential information, provide for the filing of electronic  
13 reports with the commission, and require mandatory ethics  
14 training for public officials, public employees, and  
15 lobbyists.

16 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

17           Section 1. Sections 36-25-1, 36-25-3, as amended by  
18 Act 225, 2009 Regular Session (Acts 2009, p. 401), 36-25-4,  
19 36-25-5, 36-25-10, 36-25-14, 36-25-18, 36-25-19, and 36-25-20,  
20 Code of Alabama 1975, are amended to read as follows:

21           "§36-25-1.

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

24           "(1) BUSINESS. Any corporation, partnership,  
25 proprietorship, firm, enterprise, franchise, association,  
26 organization, self-employed individual, or any other legal  
27 entity.

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

6           "(3) CANDIDATE. This term as used in this chapter  
7 shall have the same meaning ascribed to it in Section ~~17-22A-2~~  
8 17-5-2.

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

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

12          "(6) COMPLAINANT. A person who alleges a violation  
13 or violations of this chapter by filing a complaint against a  
14 respondent.

15          "(7) CONFIDENTIAL INFORMATION. ~~A complaint filed~~  
16 ~~pursuant to this chapter, together with any statement,~~  
17 ~~conversations, knowledge of evidence, or information received~~  
18 ~~from the complainant, witness, or other person related to such~~  
19 ~~complaint~~ Information gained by a public official, public  
20 employee, former public official, or former public employee in  
21 the course of or by reason of his or her position or  
22 employment in any way that could result in financial gain  
23 other than his or her regular salary as a public official or  
24 public employee for himself or herself, a family member of the  
25 public official or family member of the public employee, or  
26 for any other person or business.

1           "(8) CONFLICT OF INTEREST. A conflict on the part of  
2 a public official or public employee between his or her  
3 private interests and the official responsibilities inherent  
4 in an office of public trust. A conflict of interest involves  
5 any action, inaction, or decision by a public official or  
6 public employee in the discharge of his or her official duties  
7 which would materially affect his or her financial interest or  
8 those of his or her family members or any business with which  
9 the person is associated in a manner different from the manner  
10 it affects the other members of the class to which he or she  
11 belongs. A conflict of interest shall not include any of the  
12 following:

13           "a. A loan or financial transaction made or  
14 conducted in the ordinary course of business.

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

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

25           "d. Any campaign contribution, including the  
26 purchase of tickets to, or advertisements in journals, for  
27 political or testimonial dinners, if the contribution is

1 actually used for political purposes and is not given under  
2 circumstances from which it could reasonably be inferred that  
3 the purpose of the contribution is to substantially influence  
4 a public official in the performance of his or her official  
5 duties.

6 "(9) DAY. Calendar day.

7 "(10) DEPENDENT. Any person, regardless of his or  
8 her legal residence or domicile, who receives 50 percent or  
9 more of his or her support from the public official or public  
10 employee or his or her spouse or who resided with the public  
11 official or public employee for more than 180 days during the  
12 reporting period.

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

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

19 ~~"(13)~~ (12) GOVERNMENTAL CORPORATIONS AND AUTHORITIES.  
20 Public or private corporations and authorities, including but  
21 not limited to, hospitals or other health care corporations,  
22 established pursuant to state law by state, county or  
23 municipal governments for the purpose of carrying out a  
24 specific governmental function. Notwithstanding the foregoing,  
25 all employees, including contract employees, of hospitals or  
26 other health care corporations and authorities are exempt from  
27 the provisions of this chapter.

1           "~~(14)~~(13) HOUSEHOLD. The public official, public  
2 employee, and his or her spouse and dependents.

3           "~~(15)~~(14) LAW ENFORCEMENT OFFICER. A full-time  
4 employee of a governmental unit responsible for the prevention  
5 or investigation of crime who is authorized by law to carry  
6 firearms, execute search warrants, and make arrests.

7           "~~(16)~~(15) LEGISLATIVE BODY. The Senate of Alabama,  
8 the House of Representatives of Alabama, a county commission,  
9 city council, city commission, town council, or municipal  
10 council or commission, and any committee or subcommittee  
11 thereof.

12           "~~(17)~~(16) LOBBYING. The practice of promoting,  
13 opposing, or in any manner influencing or attempting to  
14 influence the introduction, defeat, or enactment of  
15 legislation before any legislative body; opposing or in any  
16 manner influencing the executive approval, veto, or amendment  
17 of legislation; promoting or attempting to influence the  
18 awarding of a grant or contract with any executive department  
19 or agency; or the practice of promoting, opposing, or in any  
20 manner influencing or attempting to influence the enactment,  
21 promulgation, modification, or deletion of regulations before  
22 any regulatory body; provided, however, that providing public  
23 testimony before a legislative body or regulatory body or any  
24 committee thereof shall not be deemed lobbying.

25           "~~(18)~~(17) LOBBYIST.

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

1           "1. A person who receives compensation or  
2 reimbursement from another person, group, or entity to lobby.

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 person who expends in excess of one hundred  
7 dollars (\$100) for a thing of value, not including funds  
8 expended for travel, subsistence expenses, and literature,  
9 buttons, stickers, publications, or other acts of free speech,  
10 during a calendar year to lobby.

11           "4. A consultant to the state, county, or municipal  
12 levels of government or their instrumentalities, in any manner  
13 employed to influence legislation or regulation, regardless  
14 whether the consultant is paid in whole or part from state,  
15 county, municipal, or private funds.

16           "5. An employee, a paid consultant, or a member of  
17 the staff of a lobbyist, whether or not he or she is paid, who  
18 regularly communicates with members of a legislative body  
19 regarding pending legislation and other matters while the  
20 legislative body is in session.

21           "6. Any person who promotes, opposes, or in any  
22 manner attempts to influence the awarding of a grant or  
23 contract with any executive department or agency.

24           "b. The term lobbyist does not include any of the  
25 following:

26           "1. A member of a legislative body on a matter which  
27 involves that person's official duties.



1           "2. A person or attorney rendering professional  
2 services in drafting bills or in advising clients and in  
3 rendering opinions as to the construction and effect of  
4 proposed or pending legislation, executive action, or rules or  
5 regulations, where those professional services are not  
6 otherwise connected with legislative, executive, or regulatory  
7 action.

8           "3. Reporters and editors while pursuing normal  
9 reportorial and editorial duties.

10           "4. Any citizen not expending funds as set out above  
11 in paragraph a.3. or not lobbying for compensation who  
12 contacts a member of a legislative body, or gives public  
13 testimony on a particular issue or on particular legislation,  
14 or for the purpose of influencing legislation and who is  
15 merely exercising his or her constitutional right to  
16 communicate with members of a legislative body.

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

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

1           "~~(19)~~(18) MINOR VIOLATION. Any violation of this  
2 chapter in which the public official or public employee  
3 receives an economic gain in an amount less than two hundred  
4 fifty dollars (\$250) or the governmental entity has an  
5 economic loss of less than two hundred fifty dollars (\$250).

6           "~~(20)~~(19) PERSON. A business, individual,  
7 corporation, partnership, union, association, firm, committee,  
8 club, or other organization or group of persons.

9           "~~(21)~~(20) PRINCIPAL. A person or business which  
10 employs, hires, or otherwise retains a lobbyist. Nothing in  
11 this chapter shall be deemed to prohibit a principal from  
12 simultaneously serving as his or her own lobbyist.

13           "~~(22)~~(21) PROBABLE CAUSE. A finding that the  
14 allegations are more likely than not to have occurred.

15           "~~(23)~~(22) PUBLIC EMPLOYEE. Any person employed at  
16 the state, county, or municipal level of government or their  
17 instrumentalities, including governmental corporations and  
18 authorities, but excluding employees of hospitals or other  
19 health care corporations including contract employees of those  
20 hospitals or other health care corporations, who is paid in  
21 whole or in part from state, county or municipal funds. For  
22 purposes of this chapter, a public employee does not include a  
23 person employed on a part-time basis whose employment is  
24 limited to providing professional services other than  
25 lobbying, the compensation for which constitutes less than 50  
26 percent of the part-time employee's income.

1           "~~(24)~~(23) PUBLIC OFFICIAL. Any person elected to  
2 public office, whether or not that person has taken office, by  
3 the vote of the people at state, county, or municipal level of  
4 government or their instrumentalities, including governmental  
5 corporations, and any person appointed to a position at the  
6 state, county, or municipal level of government or their  
7 instrumentalities, including governmental corporations. For  
8 purposes of this chapter, a public official includes the  
9 chairs and vice-chairs or the equivalent offices of each state  
10 political party as defined in Section ~~17-16-2~~ 17-13-40.

11           "~~(25)~~(24) REGULATORY BODY. A state agency which  
12 issues regulations in accordance with the Alabama  
13 Administrative Procedure Act or a state, county, or municipal  
14 department, agency, board, or commission which controls,  
15 according to rule or regulation, the activities, business  
16 licensure, or functions of any group, person, or persons.

17           "~~(26)~~(25) REPORTING PERIOD. The reporting official's  
18 or employee's fiscal tax year as it applies to his or her  
19 United States personal income tax return.

20           "~~(27)~~(26) REPORTING YEAR. The reporting official's  
21 or employee's fiscal tax year as it applies to his or her  
22 United States personal income tax return.

23           "~~(28)~~(27) RESPONDENT. A person alleged to have  
24 violated a provision of this chapter and against whom a  
25 complaint has been filed with the commission.

26           "(28) SPHERE OF INFLUENCE. The sphere of influence  
27 of a public official or public employee includes those issues,

1 bodies, businesses, and projects that the public official or  
2 public employee is, by virtue of his or her office, in a  
3 position to affect, or over which he or she has authority.

4 "(29) STATEMENT OF ECONOMIC INTERESTS. A financial  
5 disclosure form made available by the commission which shall  
6 be completed and filed with the commission prior to April 30  
7 of each year covering the preceding calendar year by certain  
8 public officials and public employees.

9 "(30) SUPERVISOR. Any person having authority to  
10 hire, transfer, suspend, lay off, recall, promote, discharge,  
11 assign, or discipline other public employees, or any person  
12 responsible to direct them, or to adjust their grievances, or  
13 to recommend personnel action, if, in connection with the  
14 foregoing, the exercise of the authority is not of a merely  
15 routine or clerical nature but requires the use of independent  
16 judgment.

17 "(31) THING OF VALUE.

18 "a. Any gift, benefit, favor, service, gratuity,  
19 tickets or passes to an entertainment, social or sporting  
20 event offered only to public officials, unsecured loan, other  
21 than those loans made in the ordinary course of business,  
22 reward, promise of future employment, or honoraria.

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

26 "1. Campaign contribution.

1           "2. ~~Seasonal~~ Tangible gifts of an insignificant  
2 economic value of less than one hundred dollars (\$100) if the  
3 aggregate value of such gifts from any single donor is less  
4 than two hundred fifty dollars (\$250) during any one calendar  
5 year.

6           "3. Hospitality extended to a public official,  
7 public employee, and his or her respective household as a  
8 social occasion in the form of food and beverages where the  
9 provider is present, lodging in the continental United States  
10 and Alaska incidental to the social occasion, and tickets or  
11 admission to social or sporting events ~~if the~~. Such  
12 hospitality ~~does~~ shall not extend beyond three consecutive  
13 days and ~~is~~ shall not be continuous in nature and the  
14 aggregate value of such hospitality in excess of two hundred  
15 fifty dollars (\$250) within a calendar day ~~is~~ shall be  
16 reported to the commission by the provider provided that the  
17 reporting requirement contained in this section shall not  
18 apply where the expenditures are made to or on behalf of an  
19 organization to which a federal income tax deduction is  
20 permitted under subparagraph (A) of paragraph (1) of  
21 subsection (b) of Section 170 of the Internal Revenue Code of  
22 1986, as amended, or any charitable, education or eleemosynary  
23 cause of Section 501 of Title 26 of the U.S. Code, and ~~where~~  
24 the public official or public employee does not receive any  
25 direct financial benefit. The reporting shall include the name  
26 or names of the recipient or recipients, the value of the

1 entire expenditure, the date or dates of the expenditure, and  
2 the type of expenditure.

3 "4. Reasonable transportation, food and beverages  
4 where the provider is present, and lodging expenses in the  
5 continental United States and Alaska which are provided in  
6 conjunction with an educational or informational purpose,  
7 together with any hospitality associated therewith; provided,  
8 that such hospitality is less than 50 percent of the time  
9 spent at such event, and provided further that if the  
10 aggregate value of such transportation, lodging, food,  
11 beverages, and any hospitality provided to such public  
12 employee, public official, and his or her respective household  
13 is in excess of two hundred fifty dollars (\$250) within a  
14 calendar day the total amount expended shall be reported to  
15 the commission by the provider. The reporting shall include  
16 the name or names of the recipient or recipients, the value of  
17 the entire expenditure, the date or dates of the expenditure,  
18 and the type of expenditure.

19 "5. Payment of or reimbursement for actual and  
20 necessary expenditures for travel ~~and subsistence,~~ food and  
21 beverages, lodging, and local transportation of a public  
22 official or public employee and his or her respective  
23 household in connection with an economic development,  
24 research, or trade mission, or for attendance at a mission or  
25 meeting in which he or she is scheduled to meaningfully  
26 participate, or regarding matters related to his or her  
27 official duties, and for which attendance no reimbursement is

1 made by the state; provided, that any hospitality in the form  
2 of entertainment, recreation, or sporting events shall  
3 constitute less than 25% of the time spent in connection with  
4 the event. If the aggregate value of any such hospitality,  
5 entertainment, recreation, or sporting event extended to the  
6 public employee, public official, and his or her respective  
7 household is in excess of two hundred fifty dollars (\$250)  
8 within a calendar day, the total amount expended for that day  
9 shall be reported to the commission by the provider. The  
10 reporting shall include the name or names of the recipient or  
11 recipients, the value of such expenditures, the date or dates  
12 of the expenditure, and the type of expenditure.

13 "6. Promotional items commonly distributed to the  
14 general public and food or beverages of a nominal value.

15 "c. Nothing in this chapter shall be deemed to  
16 limit, prohibit, or otherwise require the disclosure of a  
17 personal gift made to a public official or public employee  
18 from a spouse, intended spouse, dependent, adult child,  
19 sibling, parent, grandparent, uncle, aunt, ~~nephews, nieces or~~  
20 ~~cousins~~ nephew, niece, or cousin of the public official or  
21 public employee, except as otherwise provided by law.

22 "d. Nothing in this chapter shall be deemed to  
23 limit, prohibit, or otherwise require the disclosure of gifts  
24 through inheritance received by a public employee or public  
25 official.

26 "(32) VALUE. The fair market price of a like item if  
27 purchased by a private citizen.

1           "§36-25-3.

2           "(a) There is hereby created a State Ethics  
3 Commission composed of five members, each of whom shall be a  
4 fair, equitable citizen of this state and of high moral  
5 character and ability. The following persons shall not be  
6 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. For  
9 purposes of this section, a public official shall not be  
10 deemed to include a part-time municipal judge and a registered  
11 lobbyist shall not be deemed to include a person whose  
12 lobbying activities are limited to providing public testimony  
13 to a legislative body or regulatory body or committee thereof.  
14 No member of the commission shall be eligible for  
15 reappointment to succeed himself or herself. The members of  
16 the commission shall be appointed by the following officers:  
17 the Governor, the Lieutenant Governor, or in the absence of a  
18 Lieutenant Governor, the Presiding Officer of the Senate, and  
19 the Speaker of the House of Representatives and shall assume  
20 their duties upon confirmation by the Senate. The Senate must  
21 confirm or reject a nominee to the commission within the first  
22 15 legislative days of the first Regular Session held after  
23 the appointment. If the Senate fails to act within that time,  
24 the appointment shall be deemed accepted. If the appointment  
25 is rejected, a new member shall be nominated by the respective  
26 appointing authority. The members of the first commission  
27 shall be appointed for terms of office expiring one, two,



1 three, four and five years, respectively, from September 1,  
2 1975. Successors to the members of the first commission shall  
3 serve for a term of five years beginning service on September  
4 1 of the year appointed and serving until their successors are  
5 appointed and confirmed, except as herein provided. If at any  
6 time there should be a vacancy on the commission, a successor  
7 member to serve for the unexpired term applicable to such  
8 vacancy shall be appointed by the Governor. The commission  
9 shall elect one member to serve as chair of the commission and  
10 one member to serve as vice chair. The vice chair shall act as  
11 chair in the absence or disability of the chair or in the  
12 event of a vacancy in that office.

13 "Beginning with the first vacancy on the Ethics  
14 Commission after October 1, 1995, if there is not a Black  
15 member serving on the commission, that vacancy shall be filled  
16 by a Black appointee. Any vacancy thereafter occurring on the  
17 commission, shall also be filled by a Black appointee if there  
18 is no Black member serving on the commission at that time.

19 "(b) A vacancy in the commission shall not impair  
20 the right of the remaining members to exercise all the powers  
21 of the commission, and three members thereof shall constitute  
22 a quorum.

23 "(c) The commission shall at the close of each  
24 fiscal year, or as soon thereafter as practicable, report to  
25 the Legislature and the Governor concerning the actions it has  
26 taken, the name, salary, and duties of the director, the names  
27 and duties of all individuals in its employ, the money it has

1 disbursed, other relevant matters within its jurisdiction, and  
2 such recommendations for legislation as the commission deems  
3 appropriate.

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

17 "(e) All members, officers, agents, attorneys, and  
18 employees of the commission shall be subject to this chapter.  
19 The director, members of the commission, and all employees of  
20 the commission shall not engage in direct partisan political  
21 activity, including the making of campaign contributions, on  
22 the state, county, and local levels. The prohibition shall in  
23 no way act to limit or restrict such persons' ability to vote  
24 in any election.

25 "(f) The commission shall appoint a full-time  
26 director. The director shall serve at the pleasure of the  
27 commission and shall appoint such other employees as needed.

1 All such employees, except the director, shall be employed  
2 subject to the provisions of the state Merit System law, and  
3 their compensation shall be prescribed pursuant to such law.  
4 The employment of attorneys shall be subject to subsection  
5 (h). The compensation of the director shall be fixed by the  
6 commission, payable as the salaries of other state employees.  
7 The director shall be responsible for the administrative  
8 operations of the commission and shall administer this chapter  
9 in accordance with the commission's policies. No regulation  
10 shall be implemented by the director until adopted by the  
11 commission in accordance with Sections 41-22-1 to 41-22-27,  
12 inclusive, the Alabama Administrative Procedure Act.

13 "(g) The director may appoint part-time stenographic  
14 reporters or certified court reporters, as needed, to take and  
15 transcribe the testimony in any formal or informal hearing or  
16 investigation before the commission or before any person  
17 authorized by the commission. The reporters shall not be  
18 full-time employees of the commission and shall not be subject  
19 to the Merit System law and may not participate in the State  
20 Retirement System.

21 "(h) The director may, with the approval of the  
22 Attorney General, appoint a competent attorney as legal  
23 counsel for the commission. The legal counsel shall be of good  
24 moral and ethical character, licensed to practice law in this  
25 state, and a member in good standing of the Alabama Bar  
26 Association. The legal counsel shall be commissioned as an  
27 assistant or deputy attorney general and shall, in addition to

1 the powers and duties herein conferred, have the authority and  
2 duties of an assistant or deputy attorney general, except,  
3 that his or her entire time shall be devoted to the  
4 commission. The attorney shall act as an attorney for the  
5 commission in actions or proceedings brought by or against the  
6 commission pursuant to any provisions of law under the  
7 commission's jurisdiction, or in which the commission joins or  
8 intervenes as to a matter within the commission's  
9 jurisdiction, or as a friend of the court or otherwise;  
10 provided however, nothing in this chapter shall be deemed as a  
11 direct grant of subpoena power to the commission.

12 "(i) The director shall designate in writing the  
13 chief investigator, should there be one, and a maximum of six  
14 full-time investigators who shall be and are hereby  
15 constituted law enforcement officers of the State of Alabama  
16 with full and unlimited police power and jurisdiction to  
17 enforce the laws of this state pertaining to the operation and  
18 administration of the commission and this chapter.  
19 Investigators shall meet the requirements of the Alabama Peace  
20 Officers' Standards and Training Act, Sections 36-21-40 to  
21 36-21-51, inclusive, and shall in all ways and for all  
22 purposes be considered law enforcement officers entitled to  
23 all benefits provided in Section 36-15-6(f); provided however  
24 such investigators shall only exercise their power of arrest  
25 as granted under this chapter pursuant to an order issued by a  
26 court of competent jurisdiction.

27 "§36-25-4.

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

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

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

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

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

14           "(5) Make reports and statements filed with the  
15 commission available during regular business hours to public  
16 inquiry subject to such regulations as the commission may  
17 prescribe including, but not limited to, regulations requiring  
18 identification by name, occupation, address, and telephone  
19 number of each person examining information on file with the  
20 commission.

21           "(6) Preserve reports and statements for a period  
22 consistent with the statute of limitations as contained in  
23 this chapter. The reports and statements, when no longer  
24 required to be retained, shall be disposed of by shredding the  
25 reports and statements and disposing of or recycling them, or  
26 otherwise disposing of the reports and statements in any other  
27 manner prescribed by law. Nothing in this section shall in any

1 manner limit the Department of Archives and History from  
2 receiving and retaining any documents pursuant to existing  
3 law.

4 "(7) Make investigations with respect to statements  
5 filed pursuant to this chapter, and with respect to alleged  
6 failures to file, or omissions contained therein, any  
7 statement required pursuant to this chapter and, upon  
8 complaint by any individual, with respect to alleged violation  
9 of any part of this chapter to the extent authorized by law  
10 when in its opinion a thorough audit of any person or any  
11 business should be made in order to determine whether this  
12 chapter has been violated, the commission shall direct the  
13 Examiner of Public Accounts to have an audit made and a report  
14 thereof filed with the commission. The Examiner of Public  
15 Accounts shall, upon receipt of the directive, comply  
16 therewith.

17 "(8) Report suspected violations of law to the  
18 appropriate law-enforcement authorities.

19 "(9) Issue and publish advisory opinions on the  
20 requirements of this chapter, based on a real or hypothetical  
21 set of circumstances. Such advisory opinions shall be adopted  
22 by a majority vote of the members of the commission present  
23 and shall be effective and deemed valid until expressly  
24 overruled or altered by the commission or a court of competent  
25 jurisdiction. The written advisory opinions of the commission  
26 shall protect the person at whose request the opinion was  
27 issued and any other person reasonably relying, in good faith,

1 on the advisory opinion in a materially like circumstance from  
2 liability to the state, a county, or a municipal subdivision  
3 of the state because of any action performed or action  
4 refrained from in reliance of the advisory opinion. Nothing in  
5 this section shall be deemed to protect any person relying on  
6 the advisory opinion if the reliance is not in good faith, is  
7 not reasonable, is not in a materially like circumstance. The  
8 commission may impose reasonable charges for publication of  
9 the advisory opinions and monies shall be collected,  
10 deposited, dispensed, or retained as provided herein. On  
11 October 1, 1995, all prior advisory opinions of the commission  
12 in conflict with this chapter, shall be ineffective and  
13 thereby deemed invalid and otherwise overruled unless there  
14 has been any action performed or action refrained from in  
15 reliance of a prior advisory opinion.

16 "(10) Initiate and continue, where practicable,  
17 programs for the purpose of educating candidates, officials,  
18 employees, and citizens of Alabama on matters of ethics in  
19 government service.

20 "(11) In accordance with Sections 41-22-1 to  
21 41-22-27, inclusive, the Alabama Administrative Procedure Act,  
22 prescribe, publish, and enforce rules and regulations to carry  
23 out this chapter.

24 "(b) A complaint filed pursuant to this chapter,  
25 together with any statement, evidence, or information received  
26 from the complainant, witnesses, or other persons shall be  
27 protected by and subject to the same restrictions relating to

1        secrecy and nondisclosure of information, conversation,  
2        knowledge, or evidence of Sections 12-16-214 to 12-16-216,  
3        inclusive. Such restrictions shall apply to all investigatory  
4        activities taken by the director, the commission or a member  
5        thereof, staff, employees, or any person engaged by the  
6        commission in response to a complaint filed with the  
7        commission and to all proceedings relating thereto before the  
8        commission.

9                "(c) The commission shall not take any investigatory  
10        action on a telephonic or written complaint against a  
11        respondent so long as the complainant remains anonymous.  
12        Investigatory action on a complaint from an identifiable  
13        source shall not be initiated until the true identity of the  
14        source has been ascertained and written verification of such  
15        ascertainment is in the commission's files. The complaint may  
16        only be filed by a person who has or persons who have ~~actual~~  
17        verifiable knowledge of the allegations contained in the  
18        complaint. A complainant may not file a complaint for another  
19        person or persons in order to circumvent this subsection.  
20        Prior to commencing any investigation, the commission shall:  
21        (1) receive a written and signed complaint which sets forth in  
22        detail the specific charges against a respondent, and the  
23        factual allegations which support such charges and (2) the  
24        director shall conduct a preliminary inquiry in order to make  
25        an initial determination that reasonable cause exists to  
26        conduct an investigation. If the director determines  
27        reasonable cause does not exist, the charges shall be



1 dismissed, but such action must be reported to the commission.  
2 The commission shall be entitled to authorize an investigation  
3 upon a ~~unanimous~~ written consent of ~~all five (5)~~ four (4)  
4 commission members, upon an express finding that probable  
5 cause exists that a violation or violations of this chapter  
6 have occurred. A complaint may be initiated by ~~the unanimous a~~  
7 vote of four (4) members of the commission, provided, however,  
8 that the commission shall not conduct the hearing, but rather  
9 the hearing shall be conducted by three (3) active or retired  
10 judges, who shall be appointed by the Chief Justice of the  
11 Alabama Supreme Court, at least one of whom shall be Black.  
12 The three (3) judge panel shall conduct the hearing in  
13 accordance with the procedures contained in this chapter and  
14 in accordance with the rules and regulations of the  
15 commission. If the three (3) judge panel unanimously finds  
16 that a person covered by this chapter has violated it, the  
17 three (3) judge panel shall forward the case to the district  
18 attorney for the jurisdiction in which the alleged acts  
19 occurred or to the Attorney General. In all matters that come  
20 before the commission concerning a complaint on an individual,  
21 the laws of due process shall apply.

22 "(d) Not less than 45 days prior to any hearing  
23 before the commission, the respondent shall be given notice  
24 that a complaint has been filed against him or her and shall  
25 be given a summary of the charges contained therein. Upon the  
26 timely request of the respondent, a continuance of the hearing  
27 for not less than 30 days shall be granted for good cause

1 shown. The respondent charged in the complaint shall have the  
2 right to be represented by retained legal counsel. The  
3 commission may not require the respondent to be a witness  
4 against himself or herself.

5 "(e) The commission shall provide discovery to the  
6 respondent pursuant to the Alabama Rules of Criminal Procedure  
7 as promulgated by the Alabama Supreme Court.

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

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

16 "(g) If the commission finds cause that a person  
17 covered by this chapter has violated it, the case and the  
18 commission's findings shall be forwarded to the district  
19 attorney for the jurisdiction in which the alleged acts  
20 occurred or to the Attorney General. The case, along with the  
21 commission's findings, shall be referred for appropriate legal  
22 action. Nothing in this section shall be deemed to limit the  
23 commission's ability to take appropriate legal action when so  
24 requested by the district attorney for the appropriate  
25 jurisdiction or by the Attorney General.

26 "§36-25-5.

1           "(a) No public official or public employee shall use  
2 or cause to be used his or her official position or office to  
3 obtain personal gain for himself or herself, or family member  
4 of the public employee or family member of the public  
5 official, or any business with which the person is associated  
6 unless the use and gain are otherwise specifically authorized  
7 by law. Personal gain is achieved when the public official,  
8 public employee, or a family member thereof receives, obtains,  
9 exerts control over, or otherwise converts to personal use a  
10 thing of value or the object constituting such personal gain.

11           "(b) Unless prohibited by the Constitution of  
12 Alabama of 1901, nothing herein shall be construed to prohibit  
13 a public official from introducing bills, ordinances,  
14 resolutions, or other legislative matters, serving on  
15 committees, or making statements or taking action in the  
16 exercise of his or her duties as a public official. A member  
17 of a legislative body may not vote for any legislation in  
18 which he or she knows or should have known that he or she has  
19 a conflict of interest.

20           "(c) No public official or public employee shall use  
21 or cause to be used equipment, facilities, time, materials,  
22 human labor, or other public property under his or her  
23 discretion or control for the private benefit or business  
24 benefit of ~~the public official, public employee, any other~~  
25 ~~person,~~ or principal campaign committee as defined in Section  
26 ~~17-22A-2~~ 17-5-2, which would materially affect his or her  
27 financial interest, except as otherwise provided by law or as

1 provided pursuant to a lawful employment agreement regulated  
2 by agency policy. Provided, however, nothing in this  
3 subsection shall be deemed to limit or otherwise prohibit  
4 communication between public officials or public employees and  
5 eleemosynary or membership organizations or such organizations  
6 communicating with public officials or public employees.

7 "(d) No person shall solicit a public official or  
8 public employee to use or cause to be used equipment,  
9 facilities, time, materials, human labor, or other public  
10 property for such person's private benefit or business  
11 benefit, which would materially affect his or her financial  
12 interest, except as otherwise provided by law.

13 "(e) No public official or public employee shall,  
14 other than in the ordinary course of business, solicit a thing  
15 of value from a subordinate or person or business with whom he  
16 or she directly inspects, regulates, or supervises in his or  
17 her official capacity.

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

1 proprietorship, or any other business entity of any kind or  
2 character which is uniquely affected by proposed or pending  
3 legislation.

4 "§36-25-10.

5 "If a public official or public employee, or family  
6 member of the public employee or family member of the public  
7 official, or a business with which the person is associated,  
8 represents a client or constituent for a fee before any  
9 quasi-judicial board or commission, regulatory body, or  
10 executive department or agency that is within the sphere of  
11 influence of the public official or public employee, notice of  
12 the representation shall be given within 10 days after the  
13 first day of the appearance. Notice shall be filed with the  
14 commission in the manner prescribed by it. No member of the  
15 Legislature shall for a fee, reward, or other compensation  
16 represent any person, firm, or corporation before the Public  
17 Service Commission or the State Board of Adjustment.

18 "§36-25-14.

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

24 "(1) All elected public officials at the state,  
25 county, or municipal level of government or their  
26 instrumentalities.

1           "(2) Any person appointed as a public official and  
2 any person employed as a public employee at the state, county,  
3 or municipal level of government or their instrumentalities  
4 who occupies a position whose base pay is fifty thousand  
5 dollars (\$50,000) or more annually.

6           "(3) All candidates, simultaneously with the date he  
7 or she becomes a candidate as defined in Section ~~17-22A-2~~  
8 17-5-2, or the date the candidate files his or her qualifying  
9 papers, whichever comes first.

10           "(4) Members of the Alabama Ethics Commission;  
11 appointed members of boards and commissions having statewide  
12 jurisdiction (but excluding members of solely advisory  
13 boards).

14           "(5) All full-time nonmerit employees, other than  
15 those employed in maintenance, clerical, secretarial, or other  
16 similar positions.

17           "(6) Chief clerks and chief managers.

18           "(7) Chief county clerks and chief county managers.

19           "(8) Chief administrators.

20           "(9) Chief county administrators.

21           "(10) Any public official or public employee whose  
22 primary duty is to invest public funds.

23           "(11) Chief administrative officers of any political  
24 subdivision.

25           "(12) Chief and assistant county building  
26 inspectors.

1           "(13) Any county or municipal administrator with  
2 power to grant or deny land development permits.

3           "(14) Chief municipal clerks.

4           "(15) Chiefs of police.

5           "(16) Fire chiefs.

6           "(17) City and county school superintendents and  
7 school board members.

8           "(18) City and county school principals or  
9 administrators.

10          "(19) Purchasing or procurement agents having the  
11 authority to make any purchase.

12          "(20) Directors and assistant directors of state  
13 agencies.

14          "(21) Chief financial and accounting directors.

15          "(22) Chief grant coordinators.

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

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

24          "(b) Statements of economic interests may be filed  
25 electronically with the commission. The commission shall  
26 establish on-line access for the filing of a statement of  
27 economic interests.

1           "~~(b)~~(c) Unless otherwise required by law, no public  
2 employee occupying a position earning less than fifty thousand  
3 dollars (\$50,000) per year shall be required to file a  
4 statement of economic interests. Notwithstanding the  
5 provisions of subsection (a) or any other provision of this  
6 chapter, no coach of an athletic team of any four-year  
7 institution of higher education which receives state funds  
8 shall be required to include any income, donations, gifts, or  
9 benefits, other than salary, on the statement of economic  
10 interests, if the income, donations, gifts, or benefits are a  
11 condition of the employment contract. Such statement shall be  
12 made on a form made available by the commission. The duty to  
13 file the statement of economic interests shall rest with the  
14 person covered by this chapter. Nothing in this chapter shall  
15 be construed to exclude any public employee or public official  
16 from this chapter regardless of whether they are required to  
17 file a statement of economic interests. The statement shall  
18 contain the following information on the person making the  
19 filing:

20           "(1) Name, residential address, business; name,  
21 address, and business of living spouse and dependents; name of  
22 living adult children; name of parents and siblings; name of  
23 living parents of spouse. Undercover law enforcement officers  
24 may have their residential addresses and the names of family  
25 members removed from public scrutiny by filing an affidavit  
26 stating that publicizing this information would potentially  
27 endanger their families.



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

4           "(3) A listing of total combined household income of  
5 the public official or public employee during the most recent  
6 reporting year as to income from salaries, fees, dividends,  
7 profits, commissions, and other compensation and listing the  
8 names of each business and the income derived from such  
9 business in the following categorical amounts: less than one  
10 thousand dollars (\$1,000); at least one thousand dollars  
11 (\$1,000) and less than ten thousand dollars (\$10,000); at  
12 least ten thousand dollars (\$10,000) and less than fifty  
13 thousand dollars (\$50,000); at least fifty thousand dollars  
14 (\$50,000) and less than one hundred ~~fifty~~ thousand dollars  
15 ~~(\$150,000)~~ (\$100,000); at least one hundred ~~fifty~~ thousand  
16 dollars ~~(\$150,000)~~ (\$100,000) and less than ~~two~~ one hundred  
17 ~~fifty~~ thousand dollars ~~(\$250,000)~~ (\$150,000); at least one  
18 hundred fifty thousand dollars (\$150,000) and less than two  
19 hundred thousand dollars (\$200,000); ~~or~~ at least two hundred  
20 ~~fifty~~ thousand dollars ~~(\$250,000)~~ (\$200,000) and less than two  
21 hundred fifty thousand dollars (\$250,000); or at least two  
22 hundred fifty thousand dollars (\$250,000) or more. The person  
23 reporting shall also name any business or subsidiary thereof  
24 in which he or she or his or her spouse or dependents, jointly  
25 or severally, own five percent or more of the stock or in  
26 which he or she or his or her spouse or dependents serves as  
27 an officer, director, trustee, or consultant where the service

1 provides income of at least one thousand dollars (\$1,000) and  
2 ~~less than five thousand dollars (\$5,000); or at least five~~  
3 ~~thousand dollars (\$5,000)~~ or more for the reporting period.

4 "(4) If the filing public official or public  
5 employee, or his or her spouse, has engaged in a business  
6 during the last reporting year which provides legal,  
7 accounting, medical or health related, real estate, banking,  
8 insurance, educational, farming, engineering, architectural  
9 management, or other professional services or consultations,  
10 then the filing party shall report the number of clients of  
11 such business in each of the following categories and the  
12 income in categorical amounts received during the reporting  
13 period from the combined number of clients in each category:  
14 Electric utilities, gas utilities, telephone utilities, water  
15 utilities, cable television companies, intrastate  
16 transportation companies, pipeline companies, oil or gas  
17 exploration companies, or both, oil and gas retail companies,  
18 banks, savings and loan associations, loan or finance  
19 companies, or both, manufacturing firms, mining companies,  
20 life insurance companies, casualty insurance companies, other  
21 insurance companies, retail companies, beer, wine or liquor  
22 companies or distributors, or combination thereof, trade  
23 associations, professional associations, governmental  
24 associations, associations of public employees or public  
25 officials, counties, and any other businesses or associations  
26 that the commission may deem appropriate. Amounts received  
27 from combined clients in each category shall be reported in

1 the following categorical amounts: Less than one thousand  
2 dollars (\$1,000); more than one thousand dollars (\$1,000) and  
3 less than ten thousand dollars (\$10,000); at least ten  
4 thousand dollars (\$10,000) and less than twenty-five thousand  
5 dollars (\$25,000); at least twenty-five thousand dollars  
6 (\$25,000) and less than fifty thousand dollars (\$50,000); at  
7 least fifty thousand dollars (\$50,000) and less than one  
8 hundred thousand dollars (\$100,000); at least one hundred  
9 thousand dollars (\$100,000) and less than one hundred fifty  
10 thousand dollars (\$150,000); at least one hundred fifty  
11 thousand dollars (\$150,000) and less than two hundred ~~fifty~~  
12 thousand dollars ~~(\$250,000)~~ (\$200,000); ~~or~~ at least two  
13 hundred ~~fifty~~ thousand dollars ~~(\$250,000)~~ (\$200,000) and less  
14 than two hundred fifty dollars (\$250,000); or at least two  
15 hundred fifty thousand dollars (\$250,000) or more.

16 "(5) If retainers are in existence or contracted for  
17 in any of the above categories of clients, a listing of the  
18 categories along with the anticipated income to be expected  
19 annually from each category of clients shall be shown in the  
20 following categorical amounts: less than one thousand dollars  
21 (\$1,000); at least one thousand dollars (\$1,000) and less than  
22 five thousand dollars (\$5,000); or at least five thousand  
23 dollars (\$5,000) or more.

24 "(6) If real estate is held for investment or  
25 revenue production by a public official, his or her spouse or  
26 dependents, then a listing thereof in the following fair  
27 market value categorical amounts: Under fifty thousand dollars

1 (\$50,000); at least fifty thousand dollars (\$50,000) and less  
2 than one hundred thousand dollars (\$100,000); at least one  
3 hundred thousand dollars (\$100,000) and less than one hundred  
4 fifty thousand dollars (\$150,000); at least one hundred fifty  
5 thousand dollars (\$150,000) and less than two hundred fifty  
6 thousand dollars (\$250,000); at least two hundred fifty  
7 thousand dollars (\$250,000) or more. A listing of annual gross  
8 rent and lease income on real estate shall be made in the  
9 following categorical amounts: Less than ten thousand dollars  
10 (\$10,000); at least ten thousand dollars (\$10,000) and less  
11 than fifty thousand dollars (\$50,000); fifty thousand dollars  
12 (\$50,000) or more. If a public official or a business in which  
13 the person is associated received rent or lease income from  
14 any governmental agency in Alabama, specific details of the  
15 lease or rent agreement shall be filed with the commission.

16 "(7) A listing of indebtedness to businesses  
17 operating in Alabama showing types and number of each as  
18 follows: Banks, savings and loan associations, insurance  
19 companies, mortgage firms, stockbrokers and brokerages or bond  
20 firms; and the indebtedness to combined organizations in the  
21 following categorical amounts: Less than twenty-five thousand  
22 dollars (\$25,000); twenty-five thousand dollars (\$25,000) and  
23 less than fifty thousand dollars (\$50,000); fifty thousand  
24 dollars (\$50,000) and less than one hundred thousand dollars  
25 (\$100,000); one hundred thousand dollars (\$100,000) and less  
26 than one hundred fifty thousand dollars (\$150,000); one  
27 hundred fifty thousand dollars (\$150,000) and less than two

1 hundred fifty thousand dollars (\$250,000); two hundred fifty  
2 thousand dollars (\$250,000) or more. The commission may add  
3 additional business to this listing. Indebtedness associated  
4 with the homestead of the person filing is exempted from this  
5 disclosure requirement.

6 "(c) Filing required by this section shall reflect  
7 information and facts in existence at the end of the reporting  
8 year.

9 "(d) If the information required herein is not filed  
10 as required, the commission shall notify the public official  
11 or public employee concerned as to his or her failure to so  
12 file and the public official or public employee shall have 10  
13 days to file the report after receipt of the notification. The  
14 commission may, in its discretion, assess a fine of ten  
15 dollars (\$10) a day, not to exceed one thousand dollars  
16 (\$1,000), for failure to file timely.

17 "(e) A person who intentionally violates any  
18 financial disclosure filing requirement of this chapter shall  
19 be subject to administrative fines imposed by the commission,  
20 or shall, upon conviction, be guilty of a Class A misdemeanor,  
21 or both.

22 "Any person who unintentionally neglects to include  
23 any information relating to the financial disclosure filing  
24 requirements of this chapter shall have 90 days to file an  
25 amended statement of economic interests without penalty.

26 "§36-25-18.

1           "(a) Every lobbyist shall register by filing, either  
2 electronically or otherwise, a form prescribed by the  
3 commission no later than January 31 of each year or within 10  
4 days after the first undertaking requiring such registration.  
5 Each lobbyist, except public employees who are lobbyists,  
6 shall pay an annual fee of one hundred dollars (\$100) on or  
7 before January 31 of each year or within 10 days of the first  
8 undertaking requiring such registration.

9           "(b) The registration shall be in writing, or filed  
10 electronically, and shall contain the following information:

11           "(1) The registrant's full name and business  
12 address.

13           "(2) The registrant's normal business and address.

14           "(3) The full name and address of the registrant's  
15 principal or principals.

16           "(4) The listing of the categories of subject  
17 matters on which the registrant is to communicate directly  
18 with a member of the legislative body to influence legislation  
19 or legislative action.

20           "(5) If a registrant's activity is done on behalf of  
21 the members of a group other than a corporation, a categorical  
22 disclosure of the number of persons of the group as follows:  
23 1-5; 6-10; 11-25; over 25.

24           "(6) A statement signed by each principal that he or  
25 she has read the registration, knows its contents and has  
26 authorized the registrant to be a lobbyist in his or her  
27 behalf as specified therein, and that no compensation will be

1 paid to the registrant contingent upon passage or defeat of  
2 any legislative measure.

3 "(c) A registrant shall file a supplemental  
4 registration indicating any substantial change or changes in  
5 the information contained in the prior registration within 10  
6 days after the date of the change.

7 "§36-25-19.

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

17 "(1) The cost of those items excluded from the  
18 definition of a thing of value which are described in Section  
19 36-25-1(32)b. and which are expended within a 24-hour period  
20 on a public official, public employee, and members of his or  
21 her respective household in excess of two hundred fifty  
22 dollars (\$250) with the name or names of the recipient or  
23 recipients and the date of the expenditure.

24 "(2) The nature and date of any financial  
25 transaction between the public official, candidate, or member  
26 of the household of such public official or candidate and the  
27 lobbyist or principal of a value in excess of five hundred

1 dollars (\$500) in the prior quarter, excluding those financial  
2 transactions which are required to be reported by candidates  
3 under the Fair Campaign Practices Act as provided in Chapter  
4 22A (commencing with Section 17-22A-1) of Title 17.

5 "(3) A detailed statement showing the exact amount  
6 of any loan given or promised to a public official, candidate,  
7 public official or 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 public official  
11 or candidate; provided, however, that campaign expenditures  
12 shall not be deemed a business association or partnership.

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

23 "(c) Any other provision of this chapter to the  
24 contrary notwithstanding, no organization whose officer or  
25 employee serves as a public official under this chapter shall  
26 be required to report expenditures or reimbursement paid to



1 such officer or employee in the performance of the duties with  
2 the organization.

3 "§36-25-20.

4 "(a) A person who ceases to engage in activities  
5 requiring registration pursuant to Section 36-25-18 shall file  
6 either electronically or otherwise, a ~~written~~, verified  
7 statement with the commission acknowledging the termination of  
8 activities. The notice shall be effective immediately.

9 "(b) A person who files a notice of termination  
10 pursuant to this section shall file the reports required  
11 pursuant to Sections 36-25-18 and 36-25-19 for any reporting  
12 period during which he or she was registered pursuant to this  
13 chapter."

14 Section 2. (a) At the beginning of each legislative  
15 quadrennium, the State Ethics Commission shall provide for and  
16 administer training programs on the State Ethics Law for  
17 members of the Legislature, state constitutional officers,  
18 cabinet officers, executive staff, municipal mayors, council  
19 members and commissioners, county commissioners, and  
20 lobbyists.

21 (1) The training program for legislators shall be  
22 held at least once at the beginning of each quadrennium for  
23 members of the Legislature. An additional training program  
24 shall be held if any changes are made to Chapter 25, Title 36,  
25 Code of Alabama 1975, and shall be held within three months of  
26 the effective date of such changes. The time and place of the  
27 training programs shall be determined by the Executive

1 Director of the State Ethics Commission and the Legislative  
2 Council. Each legislator must attend the training programs.  
3 The State Ethics Commission shall also provide a mandatory  
4 program for any legislator elected in a special election  
5 within three months of the date that such legislator assumes  
6 office.

7 (2) The training program for the state  
8 constitutional officers, cabinet members, and executive staff,  
9 as determined by the Governor, shall be held within the first  
10 30 days after the Governor has been sworn into office. An  
11 additional training program shall be held if any changes are  
12 made to Chapter 25, Title 36, Code of Alabama 1975, and shall  
13 be held within three months of the effective date of such  
14 changes. The specific date of the training program shall be  
15 established by the Executive Director of the State Ethics  
16 Commission with the advice of the Governor and other  
17 constitutional officers.

18 (3) The training program for lobbyists shall be held  
19 four times annually as designated by the Executive Director of  
20 the State Ethics Commission. Each lobbyist must attend a  
21 training program within 90 days of registering as a lobbyist.  
22 A lobbyist who fails to attend a training program shall not be  
23 allowed to lobby the Legislature, Executive Branch, Judicial  
24 Branch, public officials, or public employees. After attending  
25 one training program, a lobbyist shall not be required to  
26 attend an additional training program unless any changes are  
27 made to Chapter 25, Title 36, Code of Alabama 1975. Such

1 additional mandatory training program shall be held within  
2 three months of the effective date of such changes.

3 (4) All municipal mayors, council members and  
4 commissioners, and county commissioners in office as of the  
5 effective date of this act shall obtain training within 120  
6 days of such date. Thereafter, all municipal mayors, council  
7 members and commissioners, and county commissioners shall  
8 obtain training within 120 days of being sworn into office.  
9 The scheduling of training opportunities for municipal mayors,  
10 council members and commissioners, and county commissioners  
11 shall be established by the Executive Director of the State  
12 Ethics Commission with the advice and assistance of the  
13 Alabama League of Municipalities and the Association of County  
14 Commissions of Alabama.

15 (b) The curriculum of each session and faculty for  
16 the training program shall be determined by the Executive  
17 Director of the State Ethics Commission. The curriculum shall  
18 include, but not be limited to, a review of the current law, a  
19 discussion of actual cases and advisory opinions on which the  
20 State Ethics Commission has ruled, and a question and answer  
21 period for attendees. The faculty for the training program may  
22 include the staff of the State Ethics Commission, members of  
23 the faculties of the various law schools in the state, and  
24 other persons deemed appropriate by the Executive Director of  
25 the State Ethics Commission and shall include experts in the  
26 field of ethics law, persons affected by the ethics law, and  
27 members of the press and media.

1                   (c) Except as provided herein, attendance at any  
2 session of the training program shall be mandatory, except in  
3 the event the person is suffering a catastrophic illness.

4                   (d) This act shall not preclude the penalizing,  
5 prosecution, or conviction of any member of the Legislature,  
6 any public official, or public employee prior to such person  
7 attending a mandatory training program.

8                   Section 3. This act shall become effective on the  
9 first day of the third month following its passage and  
10 approval by the Governor, or its otherwise becoming law.