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3 SENATE RULES COMMITTEE SUBSTITUTE FOR SJR11
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8 SJR _____ CREATING THE CODE OF ETHICS REFORM AND CLARIFICATION
9 COMMISSION.
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11 WHEREAS, in a representative democracy, the public
12 has a right to: A government in which the public officials are
13 independent and impartial; be confident in the integrity of
14 the government; and be secure in the knowledge that the best
15 qualified individuals are not discouraged from public service;
16 and

17 WHEREAS, the Alabama Code of Ethics was originally
18 enacted more than 40 years ago and has been amended at least
19 25 times since then; and

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

26 WHEREAS, the Code of Ethics applies to more than
27 300,000 individuals and their families, including individuals

1 campaigning for or holding elected offices ranging from
2 Governor to members of town councils; individuals holding
3 appointive offices ranging from the heads of state departments
4 to members of local planning boards, and individuals employed
5 by public agencies, such as teachers, firefighters, law
6 enforcement officers, school bus drivers, gardeners,
7 maintenance workers, social workers, nurses, office workers,
8 and the like; and

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

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

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

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

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

25 (3) The Legal Advisor to the Governor.

26 (4) The Attorney General or Chief Deputy Attorney
27 General, who shall serve as cochair.

1 (5) The Executive Director of the Ethics Commission,
2 who shall serve as cochair.

3 (6) The Solicitor General of Alabama.

4 (7) The Chief Examiner of the Department of
5 Examiners of Public Accounts.

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

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

10 (10) The Supernumerary District Attorney for the
11 15th Judicial Circuit of Alabama.

12 (11) Two attorneys licensed in Alabama appointed by
13 the Alabama State Bar.

14 (12) Two attorneys licensed in Alabama appointed by
15 the Director of the Legislative Services Agency.

16 (13) An individual appointed by the Association of
17 County Commissions of Alabama.

18 (14) An individual appointed by the Alabama League
19 of Municipalities.

20 (15) An individual appointed by the Alabama Council
21 of Association Executives.

22 (16) An individual appointed by the Alabama Press
23 Association.

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

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

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

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

13 (f) The Alabama Law Institute shall provide
14 necessary professional services to the commission.

15 (g) Each non-legislative member of the commission
16 may be reimbursed for expenses related to attending meetings
17 by his or her respective appointing authority consistent with
18 the policies of the appointing authority.

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