

1 HB105
2 207949-2
3 By Representative Ball
4 RFD: Ethics and Campaign Finance
5 First Read: 02-FEB-21
6 PFD: 01/26/2021

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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 revise revolving door,
24 conflict of interest, and statement of economic
25 interests provisions.

1 This bill would revise whistleblower
2 protections for public employees who report ethics
3 violations.

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

9 This bill would authorize the State Ethics
10 Commission to issue public reprimands or private
11 censures for minor, non-substantative violations of
12 the code of ethics where the offender did not
13 realize any economic gain.

14 This bill would delete unnecessary
15 definitions, simplify definitions, and revise
16 certain definitions.

17 This bill would delete duplicative language
18 in the code of ethics.

19 This bill would also make nonsubstantive,
20 technical revisions to update the existing code
21 language to current style.

22 Amendment 621 of the Constitution of Alabama
23 of 1901, now appearing as Section 111.05 of the
24 Official Recompilation of the Constitution of
25 Alabama of 1901, as amended, prohibits a general
26 law whose purpose or effect would be to require a
27 new or increased expenditure of local funds from

1 becoming effective with regard to a local
2 governmental entity without enactment by a 2/3 vote
3 unless: it comes within one of a number of
4 specified exceptions; it is approved by the
5 affected entity; or the Legislature appropriates
6 funds, or provides a local source of revenue, to
7 the entity for the purpose.

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

15
16 A BILL
17 TO BE ENTITLED
18 AN ACT
19

20 Relating to ethics; to amend Sections 36-25-1,
21 36-25-3, 36-25-4, 36-25-4.1, 36-25-4.3, 36-25-5, 36-25-5.1,
22 36-25-7, 36-25-8, 36-25-9, 36-25-10, 36-25-12, 36-25-13,
23 36-25-14, 36-25-15, as last amended by Act 2019-529 of the
24 2019 Regular Session, 36-25-16, 36-25-17, 36-25-18, 36-25-19,
25 36-25-23, 36-25-24, and 36-25-27, Code of Alabama 1975; to
26 repeal Sections 17-17-4, 36-25-1.1, 36-25-1.3, 36-25-5.2,
27 36-25-6, 36-25-11, and 36-25-22 of the Code of Alabama 1975;

1 to require a law enforcement officer who initiates an
2 investigation of a suspected ethics violation to notify and
3 cooperate with the State Ethics Commission; to prohibit the
4 Attorney General or a district attorney from presenting a
5 suspected ethics violation to a grand jury without a referral
6 by the commission, unless the suspected violation is committed
7 by a member or employee of the commission; to add a member to
8 the State Ethics Commission and extend the term; to provide
9 further for the appointments and duties of the commission; to
10 revise the gift ban, conflict of interest provisions,
11 revolving door provisions, and whistleblower protections; to
12 provide further for filing of statements of economic
13 interests; to prohibit a public official or public employee
14 from using his or her official authority or position for
15 influencing the vote or political action of any individual
16 under the code of ethics; to revise definitions; to delete
17 duplicative language; to make nonsubstantive, technical
18 revisions to update the existing code language to current
19 style; and in connection therewith would have as its purpose
20 or effect the requirement of a new or increased expenditure of
21 local funds within the meaning of Amendment 621 of the
22 Constitution of Alabama of 1901, now appearing as Section
23 111.05 of the Official Recompilation of the Constitution of
24 Alabama of 1901, as amended.

25 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

26 Section 1. Sections 36-25-1, 36-25-3, 36-25-4,
27 36-25-4.1, 36-25-4.3, 36-25-5, 36-25-5.1, 36-25-7, 36-25-8,

1 36-25-9, 36-25-10, 36-25-12, 36-25-13, 36-25-14, 36-25-15, as
2 last amended by Act 2019-529 of the 2019 Regular Session,
3 36-25-16, 36-25-17, 36-25-18, 36-25-19, 36-25-23, 36-25-24,
4 and 36-25-27 of the Code of Alabama 1975, are amended to read
5 as follows:

6 "§36-25-1.

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

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

14 "~~(1)(2)~~ BUSINESS. Any corporation, partnership,
15 proprietorship, firm, enterprise, franchise, ~~association,~~
16 ~~organization,~~ or self-employed individual, ~~or any other legal~~
17 ~~entity.~~

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

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

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

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

3 "~~(6) COMPLAINANT. A person who alleges a violation~~
4 ~~or violations of this chapter by filing a complaint against a~~
5 ~~respondent.~~

6 "~~(7)~~ (5) CONFIDENTIAL INFORMATION. A complaint filed
7 pursuant to this chapter, together with any statement,
8 conversations, knowledge of evidence, or information received
9 from the complainant, witness, or other person related to such
10 complaint Any information accessible to a public official or
11 public employee by virtue of his or her official position that
12 is not by law available to the public.

13 "~~(8)~~ (6) CONFLICT OF INTEREST. A conflict on the part
14 of a public official or public employee between his or her
15 private interests and the official responsibilities inherent
16 in an office of public trust. A conflict of interest involves
17 any action, inaction, or decision by a public official or
18 public employee in the discharge of his or her official duties
19 which would materially affect his or her financial interest or
20 those of his or her family members or any business with which
21 the person is associated in a manner different from the manner
22 it affects the other members of the class to which he or she
23 belongs.

24 "a. A substantial financial interest that materially
25 and uniquely affects a public official, public employee,
26 family member of the public official or public employee, or an
27 associated business of the public official or public employee,

1 in a manner different from the manner in which the financial
2 interest affects other members of the class to which that
3 public official, public employee, family member, or associated
4 business belongs.

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

7 "a. 1. A loan or financial transaction made or
8 conducted in the ordinary course of business.

9 "b. 2. An occasional nonpecuniary award publicly
10 presented by an organization for performance of public
11 service.

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

19 "d. 4. Any campaign contribution, including the
20 purchase of tickets to, or advertisements in journals, for
21 political or testimonial dinners, if the contribution is
22 actually used for political purposes and is not given under
23 circumstances from which it could reasonably be inferred that
24 the purpose of the contribution is to substantially influence
25 a public official in the performance of his or her official
26 duties.

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

4 "~~(9)~~(8) DAY. Calendar day.

5 "~~(10)~~(9) DEPENDENT. Any person, regardless of his or
6 her legal residence or domicile, who receives 50 percent or
7 more of his or her support from the public official or public
8 employee or his or her spouse or who resided with the public
9 official or public employee for more than 180 days during the
10 reporting period individual claimed as a dependent on the
11 state or federal tax return of the public official or public
12 employee or his or her spouse.

13 "~~(11)~~(10) DE MINIMIS. A Anything having a value of
14 twenty-five dollars (\$25) or less per recipient per occasion
15 and an aggregate of fifty dollars (\$50) or less per recipient
16 in a calendar year from any single provider or having no
17 intrinsic resale value., or such other amounts as may be
18 prescribed by the Ethics Commission from time to time by rule
19 pursuant to the Administrative Procedure Act or adjusted each
20 four years from August 1, 2012, to reflect any increase in the
21 cost of living as indicated by the United States Department of
22 Labor Consumer Price Index or any succeeding equivalent index
23 The value shall be adjusted by five-dollar (\$5) increments by
24 the commission not later than January 1 following any year in
25 which the value, as adjusted pursuant to the U.S. Department
26 of Labor's Consumer Price Index or a successor index, exceeds
27 the current amount by five dollars (\$5) or more.

1 "~~(12)~~(11) ECONOMIC DEVELOPMENT FUNCTION. Any
2 function reasonably and directly related to the advancement of
3 a specific, good-faith economic development or trade promotion
4 project or objective.

5 "(12) ECONOMIC DEVELOPMENT PROFESSIONAL.

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

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

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

1 could not reasonably be perceived as a subterfuge for a purely
2 social, recreational, or entertainment function.

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

5 ~~"(14)(15) FAMILY MEMBER OF THE PUBLIC EMPLOYEE. The~~
6 ~~spouse or a dependent of the public employee.~~

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

11 ~~"(16) GOVERNMENTAL CORPORATIONS AND AUTHORITIES~~
12 ~~CORPORATION OR AUTHORITY. Public A public or private~~
13 ~~corporations and authorities corporation or authority,~~
14 ~~including but not limited to, hospitals a hospital or other~~
15 ~~health care corporations corporation, established pursuant to~~
16 ~~state law by state, county, or municipal governments for the~~
17 ~~purpose of carrying out a specific governmental function.~~
18 ~~Notwithstanding the foregoing, all employees, including~~
19 ~~contract employees, of hospitals or other health care~~
20 ~~corporations and authorities are exempt from the provisions of~~
21 ~~this chapter.~~

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

24 "(17) GOVERNMENTAL BODY. Any department, agency,
25 office, commission, board, or other political subdivision at
26 the state or local level in the executive, judicial, or

1 legislative branch, including any regulatory body, legislative
2 body, or governmental corporation or authority.

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

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

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

16 "b. A county commission~~7~~ and any committee or
17 subcommittee thereof.

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

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

1 ~~enactment, promulgation, modification, or deletion of~~
2 ~~regulations before any regulatory body. The term does not~~
3 ~~include providing public testimony before a legislative body~~
4 ~~or regulatory body or any committee thereof.~~

5 "a. Any act to influence or attempt to influence any
6 legislative action or rulemaking action.

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

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

10 "2. Carrying out ongoing negotiations following the
11 award of a bid or contract.

12 "3. Rendering legal services in a legal matter
13 before a governmental agency.

14 "4. Responding to a government request for
15 information.

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

20 "(21) LOBBYIST.

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

22 ~~"1. A person who~~ a. An individual or entity that
23 receives compensation or reimbursement from another person,
24 group, or entity to lobby engage in lobbying. The term
25 includes an employee who engages in lobbying as a regular and
26 usual part of employment, whether or not any compensation in
27 addition to regular salary and benefits is received.

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

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

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

14 ~~"b. The term lobbyist does not include any of the~~
15 ~~following:~~

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

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

26 ~~"3. Reporters and editors while pursuing normal~~
27 ~~reportorial and editorial duties.~~

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

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

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

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

23 ~~"7. A person who is a member of a business,~~
24 ~~professional, or membership organization by virtue of the~~
25 ~~person's contribution to or payment of dues to the~~
26 ~~organization even though the organization engages in lobbying~~
27 ~~activities.~~

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

5 ~~"(22) MINOR VIOLATION.—~~

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

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

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

18 ~~"2. The violation did not involve multiple~~
19 ~~participants.~~

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

23 ~~"4. The violation did not involve a high degree of~~
24 ~~sophistication or planning, did not occur over a lengthy~~
25 ~~period of time, or did not involve multiple victims and did~~
26 ~~not involve a single victim that was victimized more than~~
27 ~~once.~~

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

5 ~~"(23)(22) PERSON. A business, individual,~~
6 ~~corporation, partnership, union, association, firm, committee,~~
7 ~~club, or other organization or group of persons or entity.~~

8 ~~"(24) (23) PRINCIPAL. A person or business which~~ Any
9 of the following:

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

13 "b. A business or other entity that employs, hires,
14 or otherwise retains a lobbyist.

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

21 "1. An individual merely lending subject matter
22 expertise to the lobbyist.

23 "2. An individual participating in the process of
24 determining policy positions or receiving updates as to the
25 status of lobbying activities by virtue of being a member,
26 director, employee, or officer of a principal.

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

3 "~~(26)~~ (24) PUBLIC EMPLOYEE.

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

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

20 "~~(27)~~ (25) PUBLIC OFFICIAL. Any ~~person~~ individual
21 elected to public office, whether or not that ~~person~~
22 individual has taken office, by the vote of the people at
23 state, county, or municipal level of government or their
24 instrumentalities, including governmental corporations, and
25 any ~~person~~ individual appointed to a position at the state,
26 county, or municipal level of government or their
27 instrumentalities, including governmental corporations. For

1 purposes of this chapter, a public official includes the
2 chairs and vice-chairs or the equivalent offices of each state
3 political party as defined in Section 17-13-40.

4 ~~"(28)~~ (26) REGULATORY BODY. A ~~state agency which~~
5 ~~issues regulations in accordance with the Alabama~~
6 ~~Administrative Procedure Act or a state, county, or municipal~~
7 ~~department, agency, board, or commission which controls,~~
8 ~~according to rule or regulation,~~ that regulates the
9 professional activities, business licensure, or functions of
10 any ~~group, person, or persons.~~

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

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

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

20 ~~"(32)~~ (27) STATEMENT OF ECONOMIC INTERESTS. A
21 financial disclosure form ~~made available by the commission~~
22 ~~which shall be completed and filed with the commission prior~~
23 ~~to April 30 of each year covering the preceding calendar year~~
24 by certain public officials and public employees pursuant to
25 Section 36-25-14.

26 ~~"(33)~~ (28) SUPERVISOR. Any person individual having
27 authority to hire, transfer, suspend, lay off, recall,

1 promote, discharge, assign, or discipline other public
2 employees, or any ~~person~~ individual responsible to direct
3 them, or to adjust their grievances, or to recommend personnel
4 action, if, in connection with the foregoing, the exercise of
5 the authority is not of a merely routine or clerical nature
6 but requires the use of independent judgment.

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

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

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

17 ~~"1. A contribution reported under Chapter 5 of Title
18 17 or a contribution to an inaugural or transition committee.~~

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

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

1 ~~employee, public official, or candidate and whether gifts have~~
2 ~~been previously exchanged between them.~~

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

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

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

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

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

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

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

1 ~~circumstances which make it clear that the thing is provided~~
2 ~~for reasons unrelated to the recipient's public service as a~~
3 ~~public official or public employee.~~

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

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

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

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

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

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

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

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

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

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

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

16 "~~(35)~~ (29) VALUE. The fair market price of a like
17 item if purchased by a private citizen. In the case of tickets
18 to social and sporting events and associated passes, the value
19 is the face value printed on the ticket.

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

25 "§36-25-3.

26 "(a) There is hereby created a State Ethics
27 Commission. Commencing September 1, 2021, the commission shall

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

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

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

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

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

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

20 ~~"(b) (c) A vacancy in the commission shall not~~
21 ~~impair the right of the remaining members to exercise all the~~
22 ~~powers of the commission, and three~~ The commission shall elect
23 one member to serve as chair of the commission and one member
24 to serve as vice chair. The vice chair shall act as chair in
25 the absence or disability of the chair or in the event of a
26 vacancy in that office. Commencing September 1, 2021, four
27 members ~~thereof~~ shall constitute a quorum and any formal

1 action taken by the commission shall require an affirmative
2 vote by at least four members.

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

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

24 "~~(e)~~(f) All members, officers, agents, attorneys,
25 and employees of the commission shall be subject to this
26 chapter. The director, members of the commission, and all
27 employees of the commission may not engage in partisan

1 political activity, including the making of campaign
2 contributions, on the state, county, and local levels. The
3 prohibition shall in no way act to limit or restrict ~~such~~
4 ~~persons'~~ an individual's ability to vote in any election.

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

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

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

25 "~~(i)~~ (j) The director shall designate in writing the
26 chief investigator, should there be one, and a maximum of
27 eight full-time investigators who shall be and are hereby

1 constituted law enforcement officers of the State of Alabama
2 with full and unlimited police power and jurisdiction to
3 enforce the laws of this state pertaining to the operation and
4 administration of the commission and this chapter.

5 Investigators shall meet the requirements of the Alabama Peace
6 Officers' Standards and Training Act, Sections 36-21-40 to
7 36-21-51, inclusive, and shall in all ways and for all
8 purposes be considered law enforcement officers entitled to
9 all benefits provided in Section 36-15-6(f). Notwithstanding
10 the foregoing, the investigators shall only exercise their
11 power of arrest as granted under this chapter pursuant to an
12 order issued by a court of competent jurisdiction.

13 "§36-25-4.

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

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

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

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

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

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

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

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

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

25 "a. Receiving a complaint as further provided in
26 subsection (e).

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

4 "c. Initiating an investigation as further provided
5 in subsection (f).

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

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

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

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

16 "(10) When in ~~its~~ the commission's opinion a
17 thorough audit of any ~~person~~ individual or any ~~business~~ entity
18 should be made in order to determine whether this chapter has
19 been violated, ~~the commission shall~~ direct the Examiner of
20 Public Accounts to have an audit made and a report thereof
21 filed with the commission. The Examiner of Public Accounts,
22 upon receipt of the directive, shall comply therewith.

23 ~~"(8)~~ (11) Report any other suspected felony
24 violations of law not covered by this chapter to the
25 appropriate law-enforcement authorities.

26 ~~"(9)~~ (12) Issue and publish advisory opinions on the
27 requirements of this chapter, as further provided in

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

24 "~~(10)~~ (13) Initiate and continue, where practicable,
25 programs for the purpose of educating candidates, officials,
26 employees, and ~~citizens~~ residents of Alabama on matters of
27 ethics in government service.

1 "~~(11)~~ (14) In accordance with ~~Sections 41-22-1 to~~
2 ~~41-22-27, inclusive,~~ the Alabama Administrative Procedure Act,
3 ~~prescribe~~ adopt, publish, and enforce rules to carry out this
4 chapter.

5 "(b) Additionally, the commission shall work with
6 the Secretary of State to implement the reporting requirements
7 of the Alabama Fair Campaign Practices Act and shall do all of
8 the following:

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

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

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

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

22 "(5) Investigate and hold hearings for receiving
23 evidence regarding alleged violations of the Fair Campaign
24 Practices Act as set forth in this chapter that demonstrates a
25 likelihood that the Fair Campaign Practices Act has been
26 violated.

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

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

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

13 "~~(9) (8) Make investigations with respect to
14 Investigate statements filed pursuant to the Fair Campaign
15 Practices Act, and with respect to any alleged failures to
16 file, or omissions contained therein, any statement required
17 pursuant to the Fair Campaign Practices Act and, upon
18 complaint by any individual, with respect to alleged violation
19 of any part of that act to the extent authorized by law.~~

20 "(9) Upon a finding of probable cause that a
21 criminal violation of the Fair Campaign Practices Act
22 occurred, forward the findings, evidence and necessary
23 information to the Attorney General or appropriate district
24 attorney as further provided in subsection (i).

25 "(10) When in ~~its~~ the commission's opinion a
26 thorough audit of any ~~person~~ individual or any ~~business~~ entity
27 should be made in order to determine whether the Fair Campaign

1 Practices Act has been violated, ~~the commission shall~~ direct
2 the Examiner of Public Accounts to have an audit made and a
3 report thereof filed with the commission. The Examiner of
4 Public Accounts, upon receipt of the directive, shall comply
5 therewith.

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

26 ~~"(11)~~ (12) In accordance with Sections ~~41-22-1 to~~
27 ~~41-22-27, inclusive,~~ the Alabama Administrative Procedure Act,

1 ~~prescribe~~ adopt, publish, and enforce rules to carry out this
2 section.

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

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

25 "(3) The commission may impose reasonable charges for
26 publication of the advisory opinions, and monies collected

1 shall be deposited, dispensed, or retained as provided in
2 subsection (l).

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

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

23 ~~"(d) The commission shall not take any investigatory~~
24 ~~action on a telephonic or written complaint against a~~
25 ~~respondent so long as the complainant remains anonymous.~~
26 ~~Investigatory action on a complaint from an identifiable~~
27 ~~source shall not be initiated until the true identity of the~~

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

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

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

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

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

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

9 "(f) (1) ~~The commission shall be entitled to~~
10 authorize In addition to initiating an investigation upon a
11 complaint as provided in subsection (e), the commission may
12 also initiate an investigation upon written consent of four
13 commission members, upon an express finding that probable
14 cause exists that a violation or violations of this chapter or
15 the Fair Campaign Practices Act have occurred. Upon the
16 commencement of any investigation, the Alabama Rules of
17 Criminal Procedure as applicable to the grand jury process
18 ~~promulgated by the Alabama Supreme Court~~ shall apply and shall
19 remain in effect until the complaint is dismissed or disposed
20 of in some other manner. A complaint may be initiated by a
21 vote of four members of the commission~~;~~ provided, however,
22 that the commission ~~shall~~ may not conduct the hearing, but
23 rather the hearing shall be conducted by three active or
24 retired judges, who shall be appointed by the Chief Justice of
25 the Alabama Supreme Court~~.~~ ~~at least one of whom shall be~~
26 ~~Black~~ The Chief Justice shall appoint judges to a panel so

1 that diversity of gender and race is reflective of the makeup
2 of the judiciary of this state.

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

18 "~~(e)~~ (g) Not less than 45 days prior to any hearing
19 before the commission, the respondent shall be given notice
20 that a complaint has been filed against him or her and shall
21 be given a summary of the charges contained ~~therein~~ in the
22 complaint. Upon the timely request of the respondent, a
23 continuance of the hearing for not less than 30 days shall be
24 granted for good cause shown. The respondent charged in the
25 complaint shall have the right to be represented by retained
26 legal counsel. The commission may not require the respondent
27 to be a witness against himself or herself and shall provide

1 discovery to the respondent pursuant to the Alabama Rules of
2 Criminal Procedure.

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

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

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

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

25 "(2) A subpoena may be issued only upon the vote of
26 four members of the commission upon the express written
27 request of the director. The subpoena shall be subject to

1 Rules 17.1, 17.2, 17.3, and 17.4 of the Alabama Rules of
2 Criminal Procedure.

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

18 "(4) Any vote taken by the members of the commission
19 ~~relative~~ relating to the issuance of a subpoena shall be
20 protected by and subject to the restrictions relating to
21 secrecy and nondisclosure of information, conversation,
22 knowledge, or evidence of Sections 12-16-214 to 12-16-216,
23 inclusive.

24 "(i) (1) ~~After receiving or initiating a complaint,~~
25 ~~the commission has~~ Not more than 180 days to determine after
26 beginning an investigation as described in subdivision (8) of
27 subsection (a) or subdivision (9) of subsection (b), the

1 commission shall make its finding whether probable cause
2 exists. At the expiration of 180 days from the date of receipt
3 or commencement of ~~a complaint~~ the investigation, if the
4 commission does not find probable cause, the complaint or
5 referral shall be deemed dismissed and cannot be reinstated
6 based on the same facts alleged in the complaint or referral.
7 Upon good cause shown, ~~from the general counsel and chief~~
8 ~~investigator,~~ the director may request from the commission a
9 one-time extension of 180 days. Upon ~~the majority vote of the~~
10 ~~commission, the staff may be granted a one-time extension of~~
11 ~~180 days~~ an affirmative vote by the commission, the staff
12 shall be granted a 180-day extention in which to complete the
13 investigation.

14 "(2) If, upon an affirmative vote, the commission
15 finds probable cause that a ~~person covered by this chapter has~~
16 ~~violated it or that the person covered by the Fair Campaign~~
17 ~~Practices Act has violated that act, 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.~~ violation of this chapter has occurred, the commission
23 shall do any of the following, as appropriate:

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

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

1 "c. Forward the findings, evidence, and necessary
2 information for criminal violations of this chapter to the
3 Attorney General or the appropriate district attorney for
4 appropriate legal action.

5 "(3) If, upon an affirmative vote, the commission
6 finds probable cause that a violation of the Fair Campaign
7 Practices Act has occurred, the commission shall do either of
8 the following, as appropriate:

9 "a. Impose civil penalties for violations described
10 in subsection 17-5-19.2

11 "b. Forward the findings, evidence, and necessary
12 information to the Attorney General or the appropriate
13 district attorney for appropriate legal action.

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

18 ~~"(j)~~ (k) Within 180 days of receiving a case referred
19 by the commission, the Attorney General or district attorney
20 to whom the case was referred may, upon written request of the
21 commission notify the commission, in writing, stating whether
22 he or she intends to take action against the respondent,
23 including an administrative disposition or settlement, conduct
24 further investigation, or close the case without taking
25 action. If the Attorney General or district attorney decides
26 to pursue the case, he or she, upon written request of the
27 commission, may inform the commission of the final disposition

1 of the case. The written information pursuant to this section
2 shall be maintained by the commission and made available upon
3 request as a public record. The director may request an oral
4 status update from the Attorney General or district attorney
5 from time to time.

6 "(1) (1) All fees, penalties, and fines collected by
7 the commission pursuant to this chapter shall be deposited
8 into the State General Fund.

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

14 "§36-25-4.1.

15 "(a) Notwithstanding any other law, ~~regulation,~~ or
16 rule, no complaints shall be made available to the public or
17 available on the Internet until the disposition of the matter.
18 In no event may a complaint be made public or available on the
19 Internet if the complaint is dismissed or found not to have
20 probable cause. In the matters where the complaint is
21 dismissed or found not to have probable cause, only the
22 disposition of the matter may be made available to the public
23 or available on the Internet. Nothing in this ~~section~~
24 subsection shall be deemed a direct grant of authority for the
25 commission to publicize or make available on the Internet any
26 complaint or investigation if not permitted by any other law, ~~7~~
27 ~~regulation,~~ or rule.

1 "(b) A private censure issued pursuant to Section
2 36-25-27(d) remains confidential and may not be made available
3 to the public or available on the Internet.

4 "§36-25-4.3.

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

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

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

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

18 "b. Generation of an aggregate list of all things ~~of~~
19 ~~value~~ provided to each public official, ~~or~~ public employee,
20 ~~and or~~ or family member of ~~a~~ the public official or public
21 employee as reported pursuant to Section 36-25-19, searchable
22 and retrievable by the name of the public official or public
23 employee.

24 "(b) Notwithstanding subsection (a), the commission
25 shall exclude from any electronic database accessible to the
26 public, identifying information, as defined in Section
27 41-13-7, that is included in any statement of economic

1 ~~interest~~ interests filed by any public official or public
2 employee.

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

8 "§36-25-5.

9 "(a) ~~No~~ A public official or public employee ~~shall~~
10 may not use or cause to be used his or her official position
11 or office to obtain personal gain for himself or herself, or
12 family member of the ~~public employee or family member of the~~
13 public official or public employee, or any associated business
14 ~~with which the person is associated~~ of the public official or
15 public employee, unless the use and gain are otherwise
16 specifically authorized by law. Personal gain is achieved when
17 the public official, public employee, or ~~a~~ family member
18 ~~thereof~~ receives, accepts, obtains, exerts control over, or
19 otherwise converts to personal use the object constituting
20 such personal gain.

21 "(b) ~~Unless prohibited by the Constitution of~~
22 ~~Alabama of 1901, nothing herein~~ This chapter shall not be
23 construed to prohibit a public official from introducing
24 bills, ordinances, resolutions, or other legislative matters,
25 serving on committees, or making statements or taking action
26 in the exercise of his or her duties as a public official, ~~—A~~
27 provided a member of a legislative body may not ~~vote for any~~

1 take any official action on legislation ~~in~~ of which he or she
2 knows or should have known that he or she has a conflict of
3 interest.

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

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

24 "(e) ~~No~~ A public official or public employee, ~~shall,~~
25 other than in the ordinary course of business, may not solicit
26 ~~a thing of value~~ anything from a subordinate ~~or person or~~

1 ~~business with whom he or she directly inspects, regulates, or~~
2 ~~supervises in his or her official capacity.~~

3 ~~"(f) A conflict of interest shall exist when a~~
4 ~~member of a legislative body, public official, or public~~
5 ~~employee has a substantial financial interest by reason of~~
6 ~~ownership of, control of, or the exercise of power over any~~
7 ~~interest greater than five percent of the value of any~~
8 ~~corporation, company, association, or firm, partnership,~~
9 ~~proprietorship, or any other business entity of any kind or~~
10 ~~character which is uniquely affected by proposed or pending~~
11 ~~legislation; or who is an officer or director for any such~~
12 ~~corporation, company, association, or firm, partnership,~~
13 ~~proprietorship, or any other business entity of any kind or~~
14 ~~character which is uniquely affected by proposed or pending~~
15 ~~legislation.~~

16 "(f) The head of any department or agency may
17 establish internal policies that outline under what
18 circumstances the use of office equipment or property,
19 including government owned motor vehicles, by public officials
20 or public employees would not result in a personal or business
21 benefit. If the internal policies are reviewed and approved by
22 the commission, then there is a rebuttable presumption that a
23 public official or public employee who complies with the
24 policy has not violated this section.

25 "§36-25-5.1.

26 "(a) ~~No~~ A lobbyist, subordinate of a lobbyist, or
27 principal shall may not offer or provide ~~a thing of value~~

1 anything to a public employee or public official, public
2 employee, or to a family member of the public employee or
3 family member of the public official; and no public employee
4 or public official or family member of the public employee or
5 family member of the public official shall solicit or receive
6 a thing of value from a lobbyist, subordinate of a lobbyist,
7 or principal. Notwithstanding the foregoing, a lobbyist, or
8 principal may offer or provide and a public official, public
9 employee, or candidate may solicit or receive items of de
10 minimis value. or public employee, subject to the following
11 exceptions:

12 "(1) Lawful campaign contributions.

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

16 "(3) Food and beverages provided in settings
17 permitted by subsection (e).

18 "(4) Payment of or reimbursement for actual and
19 necessary registration and travel expenses, including
20 reasonable food and lodging expenses, incurred by attendance
21 at an educational function of which the lobbyist or principal
22 is a sponsor.

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

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

1 "(7) Anything offered or provided as a result of a
2 friendship, provided the lobbyist or principal has no direct
3 or specific interest before the recipient and the gift was not
4 paid for or directed to be provided by anyone other than the
5 provider. This exception does not include business or
6 professional dealings of any kind. Relevant factors in
7 determining whether this exception applies include whether the
8 friendship preexisted the recipient's status as a public
9 official, public employee, or family member of the public
10 official or public employee, and whether gifts have been
11 previously exchanged between the provider and recipient.

12 "(8) Compensation or business relationships
13 permitted by subsection (f).

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

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

21 "(c) A public official, public employee, or family
22 member of a public official or public employee may not solicit
23 anything, other than lawful campaign contributions, from a
24 lobbyist, a subordinate of a lobbyist, or an individual who is
25 a principal, regardless of whether the thing would personally
26 benefit the public official, public employee, or family member
27 or would benefit another individual or entity.

1 "(d) A public official, public employee, or family
2 member of the public official or public employee may not
3 accept anything from a lobbyist, a subordinate of a lobbyist,
4 or a principal, subject to the following exceptions:

5 "(1) Lawful campaign contributions.

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

9 "(3) Food and beverages received in settings
10 permitted by subsection (e).

11 "(4) Payment of or reimbursement for actual and
12 necessary registration and travel expenses, including
13 reasonable food and lodging expenses, incurred by attendance
14 at an educational function of which the lobbyist or principal
15 is a sponsor.

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

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

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

24 This exception does not include business or professional
25 dealings of any kind. Relevant factors in determining whether
26 this exception applies include whether the friendship
27 preexisted the recipient's status as a public official, public

1 employee, or family member of the public official or public
2 employee, and whether gifts have been previously exchanged
3 between the provider and recipient.

4 "(8) Compensation or business relationships
5 permitted by subsection (e).

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

9 "(e) Food and beverages may be provided by a
10 lobbyist, subordinate of a lobbyist, or principal and received
11 by a public official, public employee, or family member of the
12 public official or public employee in the following settings
13 and under the following conditions:

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

19 "(2) At an event where all members of a legislative
20 body, legislative caucus registered under Chapter 5 of Title
21 17, or legislative committee are invited.

22 "(3) At a setting other than those identified in
23 subdivisions (1) or (2) wherein the meal or other food or
24 beverages provided to the public official, public employee, or
25 family member of the public official or public employee does
26 not exceed a total of twenty-five dollars (\$25) per recipient
27 per occasion, and an aggregate of one hundred fifty dollars

1 (\$150) per recipient per calendar year. Taxes and gratuity are
2 excluded for purposes of calculating the dollar limit under
3 this subdivision. The value shall be adjusted by five-dollar
4 (\$5) increments by the commission not later than January 1
5 following any year in which the value, as adjusted pursuant to
6 the U.S. Department of Labor's Consumer Price Index or a
7 successor index, exceeds the current amount by five dollars
8 (\$5) or more.

9 "(f) (1) A public official or public employee may
10 maintain and accept compensation from bona fide business
11 relationships established prior to his or her public service
12 or qualification for office, provided the compensation is
13 unrelated to the recipient's official position and the
14 compensation does not present an irreconcilable conflict of
15 interest or is not otherwise prohibited by law.

16 "(2) A public official or public employee may
17 establish and accept compensation from a bona fide business
18 relationship established following his or her entry into
19 public service or qualification for office, provided the
20 compensation is unrelated to the recipient's official
21 position, the compensation does not present an irreconcilable
22 conflict of interest or is not otherwise prohibited by law,
23 and none of the following circumstances are present:

24 "a. The employment or partnership is with an
25 individual or business with direct or specific interests
26 before the public official or public employee in his or her
27 official capacity.

1 "b. The recipient is not reasonably qualified to
2 perform the services.

3 "c. The compensation is substantially different than
4 that customarily earned by a private citizen for the same
5 services.

6 "d. The services are for fundraising of any kind or
7 character and the compensation or other benefits include a
8 commission, bonus, or other incentive based in whole or in
9 part on the amount of funds raised by the recipient.

10 "(g) In addition to restitution, violations of this
11 section shall be penalized as follows:

12 "(1) An individual who knowingly, recklessly, or
13 with criminal negligence violates this section shall be
14 subject to a civil penalty levied by the commission in an
15 amount not more than three thousand dollars (\$3,000) for a
16 first offense and not more than six thousand dollars (\$6,000)
17 for a second offense.

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

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

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

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

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

6 "§36-25-7.

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

16 ~~"(b) No~~ A public official or public employee ~~shall~~
17 may not solicit or ~~receive~~ accept anything for himself or
18 herself or for a family member of the public official or
19 public employee ~~or family member of the public official~~ for
20 the purpose of corruptly influencing official action,
21 regardless of whether or not the thing solicited or ~~received~~
22 accepted is ~~a thing of value~~ permitted pursuant to Section
23 36-25-5.1.

24 ~~(c) No person shall offer or give a family member of~~
25 ~~the public official or family member of the public employee~~
26 ~~anything for the purpose of corruptly influencing official~~

1 ~~action, regardless of whether or not the thing offered or~~
2 ~~given is a thing of value.~~

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

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

20 "§36-25-8.

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

1 public official or public employee, for himself or herself, ~~a~~
2 ~~family member of the public employee or family member of the~~
3 ~~public official,~~ or for any other ~~person or business~~
4 individual or entity.

5 "§36-25-9.

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

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

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

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

1 ~~that membership of real estate brokers and agents shall~~
2 Membership of real estate brokers and agents on a county or
3 municipal regulatory board or commission may not exceed more
4 than one less of a majority of any county or municipal
5 regulatory the board or commission effective January 1, 1994.

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

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

14 "§36-25-10.

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

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

1 commission of the employment or contract within 30 days of
2 beginning employment or within 30 days of the beginning of the
3 contract. Notification shall be in the form of a filing
4 described in subdivision (3).

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

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

8 "b. The name of the spouse of the public official or
9 candidate.

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

14 "d. The exact job description or, if applicable, a
15 description of the contract.

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

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

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

26 "(b) If a public official or public employee, or a
27 family member of the public official or public employee, or

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

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

23 "§36-25-12.

24 (a) No person shall A person may not offer or give
25 provide anything to a member or public official or public
26 employee of a governmental agency, board, or commission
27 regulatory body that regulates a the person or an associated

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

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

20 "§36-25-13.

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

1 ~~of this subsection, such prohibition shall not include a~~
2 ~~former member of the Alabama judiciary who as an attorney~~
3 ~~represents a client in a legal, non-lobbying capacity had~~
4 ~~served.~~

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

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

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

8 "(d) ~~Except as specifically set out in this section,~~
9 ~~no public official, director, assistant director, department~~
10 ~~or division chief, purchasing or procurement agent having the~~
11 ~~authority to make purchases, or any person who participates in~~
12 ~~the negotiation or approval of contracts, grants, or awards or~~
13 ~~any person who negotiates or approves contracts, grants, or~~
14 ~~awards shall enter into, solicit, or negotiate a contract,~~
15 ~~grant, or award with the governmental agency of which the~~
16 ~~person was a member or employee for a period of two years~~
17 ~~after he or she leaves the membership or employment of such~~
18 ~~governmental agency. Notwithstanding the prohibition in this~~
19 ~~subsection a person serving full-time as the director or a~~
20 ~~department or division chief who has retired from a~~
21 ~~governmental agency may enter into a contract with the~~
22 ~~governmental agency of which the person was an employee for~~
23 ~~the specific purpose of providing assistance to the~~
24 ~~governmental agency during the transitional period following~~
25 ~~retirement, but only if all of the following conditions are~~
26 ~~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) 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, for a period of two years after leaving
7 service or employment, may not enter into, solicit, or
8 negotiate a grant, award, or contract for goods or services
9 with the governmental body for which he or she had served or
10 worked.

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

19 ~~"(g) No former public official or public employee of~~
20 ~~the state may, within two years after termination of office or~~
21 ~~employment, act as attorney for any person other than himself~~
22 ~~or herself or the state, or aid, counsel, advise, consult or~~
23 ~~assist in representing any other person, in connection with~~
24 ~~any judicial proceeding or other matter in which the state is~~
25 ~~a party or has a direct and substantial interest and in which~~
26 ~~the former public official or public employee participated~~
27 ~~personally and substantially as a public official or employee~~

1 ~~or which was within or under the public official or public~~
2 ~~employee's official responsibility as an official or employee.~~
3 ~~This prohibition shall extend to all judicial proceedings or~~
4 ~~other matters in which the state is a party or has a direct~~
5 ~~and substantial interest, whether arising during or subsequent~~
6 ~~to the public official or public employee's term of office or~~
7 ~~employment.~~

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

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

13 "(2) A former public employee from entering into a
14 consulting agreement with his or her former employer to
15 provide personal consulting services, unless otherwise
16 restricted or prohibited by law.

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

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

23 ~~"(h)~~ (g) Nothing in this chapter shall be deemed to
24 limit the right of a public official or public employee to
25 publicly or privately express his or her support for or to
26 encourage others to support and contribute to any ~~candidate~~
27 principal campaign committee as defined in Section 17-5-2,

1 political action committee as defined in Section ~~17-22A-2~~
2 ~~[sic]~~ 17-5-1, referendum, ballot question, issue, or
3 constitutional amendment.

4 "§36-25-14.

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

10 "(1) All elected public officials at the state,
11 county, or municipal level of government ~~or their~~
12 ~~instrumentalities.~~

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

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

25 "(2) In addition to filing a statement under Section
26 36-25-15, any individual who remains qualified as a candidate
27 as of January 1 of the filing year.

1 "~~(4)~~(3) Members of the Alabama Ethics Commission,~~7~~
2 ~~appointed members~~

3 "(4) Members of boards and commissions having
4 statewide jurisdiction,~~7~~ ~~(but excluding members of solely~~
5 ~~advisory boards)~~.

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

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

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

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

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

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

20 "~~(10)~~(6) Any public official or public employee
21 whose primary duty is to invest public funds.

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

25 "~~(12)~~(8) Chief and ~~assistant~~ deputy county and
26 municipal building inspectors.

1 "~~(13)~~(9) Any county or municipal administrator with
2 power to grant or deny land development permits.

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

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

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

8 "~~(15)~~(12) Chiefs of police.

9 "~~(16)~~(13) Fire chiefs.

10 "~~(17)~~(14) City and county school superintendents and
11 school board members.

12 "~~(18)~~(15) City and county school principals or
13 administrators.

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

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

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

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

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

1 "~~(20)~~ (21) Directors and assistant directors of state
2 agencies.

3 "~~(21)~~ (22) Chief financial and accounting directors.

4 "~~(22)~~ (23) Chief grant coordinators.

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

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

14 "(26) Each active supernumerary district attorney.

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

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

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

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

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

24 "(3) A listing of total combined household income of
25 the ~~public official or public employee~~ filing party during the
26 most recent reporting year as to income from salaries, fees,
27 dividends, profits, commissions, and other compensation and

1 listing the names of each business and the income derived from
2 such business in the following categorical amounts: less than
3 one thousand dollars (\$1,000); at least one thousand dollars
4 (\$1,000) and less than ten thousand dollars (\$10,000); at
5 least ten thousand dollars (\$10,000) and less than fifty
6 thousand dollars (\$50,000); at least fifty thousand dollars
7 (\$50,000) and less than one hundred fifty thousand dollars
8 (\$150,000); at least one hundred fifty thousand dollars
9 (\$150,000) and less than two hundred fifty thousand dollars
10 (\$250,000); or at least two hundred fifty thousand dollars
11 (\$250,000) or more. The person reporting shall also name any
12 business or subsidiary thereof in which he or she or his or
13 her spouse or dependents, jointly or severally, own five
14 percent or more of the stock or in which he or she or his or
15 her spouse or dependents serves as an officer, director,
16 trustee, or consultant where the service provides income of at
17 least one thousand dollars (\$1,000) and less than five
18 thousand dollars (\$5,000); or at least five thousand dollars
19 (\$5,000) or more for the reporting period.

20 "(4) If the filing ~~public official or public~~
21 ~~employee,~~ party or his or her spouse, has engaged in a
22 business during the last reporting year which provides legal,
23 accounting, medical or health related, real estate, banking,
24 insurance, educational, farming, engineering, architectural
25 management, or other professional services or consultations,
26 then the filing party shall report the number of clients of
27 such business in each of the following categories and the

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

1 thousand dollars (\$250,000); or at least two hundred fifty
2 thousand dollars (\$250,000) or more.

3 "(5) If retainers are in existence or contracted for
4 in any of the ~~above~~ categories of clients provided in
5 subdivision (4), a listing of the categories along with the
6 anticipated income to be expected annually from each category
7 of clients shall be shown in the following categorical
8 amounts: Less than one thousand dollars (\$1,000); at least one
9 thousand dollars (\$1,000) and less than five thousand dollars
10 (\$5,000); or at least five thousand dollars (\$5,000) or more.

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

1 ~~business in which the person is associated~~ of the public
2 official received rent or lease income from any governmental
3 agency in Alabama, specific details of the lease or rent
4 agreement shall be filed with the commission.

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

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

25 "(d) If the information required herein is not filed
26 as required, the commission shall notify the public official
27 or public employee concerned as to his or her failure to so

1 file and the public official or public employee shall have 10
2 days to file the report after receipt of the notification. The
3 commission may, ~~in its discretion,~~ assess a fine of ten
4 dollars (\$10) a day, not to exceed one thousand dollars
5 (\$1,000), for failure to file timely.

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

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

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

20 "§36-25-15.

21 "(a) Candidates at every level of government shall
22 file a completed statement of economic interests for the
23 previous calendar year with the ~~State Ethics Commission~~
24 commission not more than five days after the candidate files
25 his or her qualifying papers with the appropriate election
26 official or in the case of an independent candidate, not more
27 than five days after the date the ~~person~~ individual complies

1 with the requirements of Section 17-9-3. Nothing in this
2 section shall be deemed to require a second filing of the
3 ~~person's~~ individual's statement of economic interests if a
4 current statement of economic interests is on file with the
5 commission.

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

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

27 "§36-25-16.

1 "(a) When any ~~citizen of the state or business with~~
2 ~~which he or she is~~ individual or associated business of the
3 individual represents for a fee any person before a ~~regulatory~~
4 ~~governmental~~ body ~~of the Executive Branch, he or she~~ the
5 individual shall report to the commission the name of any
6 adult child, parent, spouse, brother, or sister who is a
7 public official or a public employee of that ~~regulatory~~
8 ~~governmental~~ body ~~of the Executive Branch.~~

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

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

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

27 "§36-25-17.

1 ~~"(a) Every governmental agency head shall within 10~~
2 ~~days file reports with the commission on any matters that come~~
3 ~~to his or her attention which~~ The head of every governmental
4 body who is notified in his or her official capacity of any
5 matter that may constitute a violation of this chapter shall
6 file a report with the commission within 10 days of learning
7 of the suspected violation.

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

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

19 "§36-25-18.

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

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

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

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

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

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

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

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

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

5 "§36-25-19.

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

14 "(1) The cost of ~~those items excluded from the~~
15 ~~definition of a thing of value which are described in Section~~
16 ~~36-25-1(34)b.~~ anything provided to a public official, public
17 employee, or family member of the public official or public
18 employee as permitted under Section 36-25-5.1 and which are is
19 expended within a 24-hour period on a the public official,
20 public employee, and members of his or her respective
21 household or family member 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~~ a public official, a candidate, or a
26 family member of the ~~household of such~~ public official or
27 candidate and the lobbyist or principal of a value in excess

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

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

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

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

7 "§36-25-24.

8 (a) As used in this section, "report of a violation"
9 or "reports a violation" means a communication made in
10 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 non-substantive 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 36-25-3(i),
20 ~~from enforcing~~ the Attorney General or district attorney may
21 enforce any provision of this chapter as they he or she deems
22 appropriate; provided, however, the Attorney General and any
23 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 2. 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 3. 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 4. This act shall become effective July 1,
16 2021, following its passage and approval by the Governor, or
17 its otherwise becoming law.