

1 HB179
2 203259-2
3 By Representative Ball
4 RFD: Ethics and Campaign Finance
5 First Read: 06-FEB-20

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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, and add as appointing officials to
12 membership of the commission the presiding judges
13 of the Court of Civil Appeals, the Court of
14 Criminal Appeals, and the President Pro Tem of the
15 Senate.

16 This bill would move a criminal prohibition
17 against a person using his or her official
18 authority or position for influencing the vote or
19 political action of any person from the elections
20 code to the code of ethics.

21 This bill would delete unnecessary
22 definitions, simplify definitions, and revise
23 certain definitions.

24 This bill would delete duplicative language
25 in the code of ethics.

1 This bill would also make nonsubstantive,
2 technical revisions to update the existing code
3 language to current style.

4 This bill would authorize the State Ethics
5 Commission to issue public reprimands or private
6 censures for minor, non-substantative violations of
7 the code of ethics where the offender did not
8 realize any economic gain.

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

22 The purpose or effect of this bill would be
23 to require a new or increased expenditure of local
24 funds within the meaning of the amendment. However,
25 the bill does not require approval of a local
26 governmental entity or enactment by a 2/3 vote to

1 become effective because it comes within one of the
2 specified exceptions contained in the amendment.

3
4 A BILL
5 TO BE ENTITLED
6 AN ACT

7
8 Relating to ethics; to amend Sections 36-25-1,
9 36-25-3, 36-25-4, 36-25-4.1, 36-25-4.3, 36-25-5, 36-25-5.1,
10 36-25-7, 36-25-8, 36-25-9, 36-25-10, 36-25-12, 36-25-13,
11 36-25-14, 36-25-15, as last amended by Act 2019-529 of the
12 2019 Regular Session, 36-25-16, 36-25-17, 36-25-18, 36-25-19,
13 36-25-23, 36-25-24, and 36-25-27, Code of Alabama 1975; to
14 repeal Sections 17-17-4, 36-25-1.1, 36-25-1.3, 36-25-5.2,
15 36-25-6, 36-25-11, and 36-25-22 of the Code of Alabama 1975;
16 to require a law enforcement officer who initiates an
17 investigation of a suspected ethics violation to notify and
18 cooperate with the State Ethics Commission; to prohibit the
19 Attorney General or a district attorney from presenting a
20 suspected ethics violation to a grand jury without a referral
21 by the commission, unless the suspected violation is committed
22 by a member or employee of the commission; to add a member to
23 the State Ethics Commission and extend the term; to provide
24 further for the appointment of members of the commission; to
25 prohibit a public official or public employee from using his
26 or her official authority or position for influencing the vote
27 or political action of any individual under the code of

1 ethics; to revise definitions; to delete duplicative language;
2 to provide further for the duties of the State Ethics
3 Commission; to make nonsubstantive, technical revisions to
4 update the existing code language to current style; and in
5 connection therewith would have as its purpose or effect the
6 requirement of a new or increased expenditure of local funds
7 within the meaning of Amendment 621 of the Constitution of
8 Alabama of 1901, now appearing as Section 111.05 of the
9 Official Recompilation of the Constitution of Alabama of 1901,
10 as amended.

11 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

12 Section 1. Sections 36-25-1, 36-25-3, 36-25-4,
13 36-25-4.1, 36-25-4.3, 36-25-5, 36-25-5.1, 36-25-7, 36-25-8,
14 36-25-9, 36-25-10, 36-25-12, 36-25-13, 36-25-14, 36-25-15, as
15 last amended by Act 2019-529 of the 2019 Regular Session,
16 36-25-16, 36-25-17, 36-25-18, 36-25-19, 36-25-23, 36-25-24,
17 and 36-25-27 of the Code of Alabama 1975, are amended to read
18 as follows:

19 "§36-25-1.

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

22 "(1) ASSOCIATED BUSINESS. A business of which an
23 individual or a family member of the individual is an officer,
24 director, owner, partner, employee, consultant, or holder of
25 more than five percent of the fair market value of the
26 business.

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

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

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

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

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

16 "~~(6) COMPLAINANT. A person who alleges a violation~~
17 ~~or violations of this chapter by filing a complaint against a~~
18 ~~respondent.~~

19 "~~(7)~~(5) CONFIDENTIAL INFORMATION. ~~A complaint filed~~
20 ~~pursuant to this chapter, together with any statement,~~
21 ~~conversations, knowledge of evidence, or information received~~
22 ~~from the complainant, witness, or other person related to such~~
23 ~~complaint~~ Any information accessible to a public official or
24 public employee by virtue of his or her official position that
25 is not by law available to the public.

26 "~~(8)~~(6) CONFLICT OF INTEREST. ~~A conflict on the part~~
27 ~~of a public official or public employee between his or her~~

1 ~~private interests and the official responsibilities inherent~~
2 ~~in an office of public trust. A conflict of interest involves~~
3 ~~any action, inaction, or decision by a public official or~~
4 ~~public employee in the discharge of his or her official duties~~
5 ~~which would materially affect his or her financial interest or~~
6 ~~those of his or her family members or any business with which~~
7 ~~the person is associated in a manner different from the manner~~
8 ~~it affects the other members of the class to which he or she~~
9 ~~belongs.~~

10 "a. A substantial financial interest that materially
11 and uniquely affects a public official, public employee,
12 family member of the public official or public employee, or an
13 associated business of the public official or public employee,
14 in a manner different from the manner in which the financial
15 interest affects other members of the class to which that
16 public official, public employee, family member, or associated
17 business belongs.

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

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

22 ~~"b. 2.~~ An occasional nonpecuniary award publicly
23 presented by an organization for performance of public
24 service.

25 ~~"c. 3.~~ Payment of or reimbursement for actual and
26 necessary expenditures for travel and subsistence for the
27 personal attendance of a public official or public employee at

1 a convention or other meeting at which he or she is scheduled
2 to meaningfully participate in connection with his or her
3 official duties and for which attendance no reimbursement is
4 made by the state.

5 ~~"d.~~ 4. Any campaign contribution, including the
6 purchase of tickets to, or advertisements in journals, for
7 political or testimonial dinners, if the contribution is
8 actually used for political purposes and is not given under
9 circumstances from which it could reasonably be inferred that
10 the purpose of the contribution is to substantially influence
11 a public official in the performance of his or her official
12 duties.

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

16 ~~"(9)~~ (8) DAY. Calendar day.

17 ~~"(10)~~ (9) DEPENDENT. Any ~~person, regardless of his or~~
18 ~~her legal residence or domicile, who receives 50 percent or~~
19 ~~more of his or her support from the public official or public~~
20 ~~employee or his or her spouse or who resided with the public~~
21 ~~official or public employee for more than 180 days during the~~
22 ~~reporting period~~ individual claimed as a dependent on the
23 state or federal tax return of the public official or public
24 employee or his or her spouse.

25 ~~"(11)~~ (10) DE MINIMIS. ~~A~~ Anything having a value of
26 twenty-five dollars (\$25) or less per recipient per occasion
27 and an aggregate of fifty dollars (\$50) or less per recipient

1 in a calendar year from any single provider or having no
2 intrinsic resale value., or such other amounts as may be
3 prescribed by the Ethics Commission from time to time by rule
4 pursuant to the Administrative Procedure Act or adjusted each
5 four years from August 1, 2012, to reflect any increase in the
6 cost of living as indicated by the United States Department of
7 Labor Consumer Price Index or any succeeding equivalent index
8 The value shall be adjusted by five-dollar (\$5) increments by
9 the commission not later than January 1 following any year in
10 which the value, as adjusted pursuant to the U.S. Department
11 of Labor's Consumer Price Index or a successor index, exceeds
12 the current amount by five dollars (\$5) or more.

13 "(12) (11) ECONOMIC DEVELOPMENT FUNCTION. Any
14 function reasonably and directly related to the advancement of
15 a specific, good-faith economic development or trade promotion
16 project or objective.

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

1 "(13) EDUCATIONAL FUNCTION. A meeting, event, or
2 activity held within the State of Alabama, or if the function
3 is predominantly attended by participants from other states,
4 held within the continental United States, which is organized
5 around a formal program or agenda of educational or
6 informational speeches, debates, panel discussions, or other
7 presentations concerning matters within the scope of the
8 participants' official duties or other matters of public
9 policy, including social services and community development
10 policies, economic development or trade, ethics, government
11 services or programs, or government operations, and which,
12 taking into account the totality of the program or agenda,
13 could not reasonably be perceived as a subterfuge for a purely
14 social, recreational, or entertainment function.

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

17 "~~(14)~~ (15) FAMILY MEMBER OF THE PUBLIC EMPLOYEE. The
18 spouse or a dependent of the public employee.

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

23 "~~(16) GOVERNMENTAL CORPORATIONS AND AUTHORITIES.~~
24 Public or private corporations and authorities, including but
25 not limited to, hospitals or other health care corporations,
26 established pursuant to state law by state, county, or
27 municipal governments for the purpose of carrying out a

1 ~~specific governmental function. Notwithstanding the foregoing,~~
2 ~~all employees, including contract employees, of hospitals or~~
3 ~~other health care corporations and authorities are exempt from~~
4 ~~the provisions of this chapter.~~

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

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

12 ~~"(18) (17) LAW ENFORCEMENT OFFICER. A full-time~~
13 ~~employee of a governmental unit responsible for the prevention~~
14 ~~or investigation of crime who is authorized by law to carry~~
15 ~~firearms, execute search warrants, and make arrests A state,~~
16 ~~county, or municipal officer certified by the Alabama Peace~~
17 ~~Officers' Standards and Training Commission.~~

18 ~~"(19) (18) LEGISLATIVE BODY. The term "legislative~~
19 ~~body" includes All of the following:~~

20 "a. The Legislature of Alabama, which includes both
21 the Senate of Alabama and the House of Representatives of
22 Alabama, unless specified otherwise by the express language ~~of~~
23 ~~any provision herein~~ in this chapter, and any committee or
24 subcommittee thereof.

25 "b. A county commission~~7~~ and any committee or
26 subcommittee thereof.

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

4 ~~"(20)(19) LOBBY or LOBBYING. The practice of~~
5 ~~promoting, opposing, or in any manner influencing or~~
6 ~~attempting to influence the introduction, defeat, or enactment~~
7 ~~of legislation before any legislative body; opposing or in any~~
8 ~~manner influencing the executive approval, veto, or amendment~~
9 ~~of legislation; or the practice of promoting, opposing, or in~~
10 ~~any manner influencing or attempting to influence the~~
11 ~~enactment, promulgation, modification, or deletion of~~
12 ~~regulations before any regulatory body. The term does not~~
13 ~~include providing public testimony before a legislative body~~
14 ~~or regulatory body or any committee thereof~~

15 "a. Any act to influence or attempt to influence any
16 legislative action or rulemaking action.

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

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

20 "2. Carrying out ongoing negotiations following the
21 award of a bid or contract.

22 "3. Rendering legal services in a legal matter
23 before a governmental agency.

24 "4. Responding to a government request for
25 information.

26 "5. Providing professional services in drafting
27 bills, advising clients, and rendering opinions as to the

1 construction and effect of proposed or pending legislation,
2 executive action, or rules.

3 ~~"(21)(20) LOBBYIST.~~

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

5 ~~"1. A person who~~ a. An individual or entity that
6 receives compensation or reimbursement from another a
7 nongovernmental person, group, or entity to lobby engage in
8 lobbying. The term includes an employee who engages in
9 lobbying as a regular and usual part of employment, whether or
10 not any compensation in addition to regular salary and
11 benefits is received.

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

15 ~~"3. A consultant to the state, county, or municipal~~
16 ~~levels of government or their instrumentalities, in any manner~~
17 ~~employed to influence legislation or regulation, regardless~~
18 ~~whether the consultant is paid in whole or part from state,~~
19 ~~county, municipal, or private funds.~~

20 ~~"4. An employee, a paid consultant, or a member of~~
21 ~~the staff of a lobbyist, whether or not he or she is paid, who~~
22 ~~regularly communicates with members of a legislative body~~
23 ~~regarding pending legislation and other matters while the~~
24 ~~legislative body is in session.~~

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

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

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

11 ~~"3. 2. Reporters and editors while A reporter or~~
12 ~~editor pursuing normal reportorial and editorial duties.~~

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

19 ~~"4. Any citizen not lobbying for compensation who~~
20 ~~contacts a member of a legislative body, or gives public~~
21 ~~testimony on a particular issue or on particular legislation,~~
22 ~~or for the purpose of influencing legislation and who is~~
23 ~~merely exercising his or her constitutional right to~~
24 ~~communicate with members of a legislative body.~~

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

1 ~~"6. A person whose primary duties or~~
2 ~~responsibilities do not include lobbying, but who may, from~~
3 ~~time to time, organize social events for members of a~~
4 ~~legislative body to meet and confer with members of~~
5 ~~professional organizations and who may have only irregular~~
6 ~~contacts with members of a legislative body when the body is~~
7 ~~not in session or when the body is in recess.~~

8 ~~"7. A person who is a member of a business,~~
9 ~~professional, or membership organization by virtue of the~~
10 ~~person's contribution to or payment of dues to the~~
11 ~~organization even though the organization engages in lobbying~~
12 ~~activities.~~

13 ~~"8. A state governmental agency head or his or her~~
14 ~~designee who provides or communicates, or both, information~~
15 ~~relating to policy or positions, or both, affecting the~~
16 ~~governmental agencies which he or she represents.~~

17 ~~"(22) MINOR VIOLATION.—~~

18 ~~"a. Any violation of this chapter in which the~~
19 ~~public official receives an economic gain in an amount less~~
20 ~~than one thousand five hundred dollars (\$1,500) or the~~
21 ~~governmental entity has an economic loss of less than one~~
22 ~~thousand five hundred dollars (\$1,500).~~

23 ~~"b. Any violation of this chapter by a public~~
24 ~~employee as determined in the discretion of the commission and~~
25 ~~the Attorney General or the district attorney for the~~
26 ~~appropriate jurisdiction based upon consideration of the~~
27 ~~following factors:~~

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

3 ~~"2. The violation did not involve multiple~~
4 ~~participants.~~

5 ~~"3. The violation did not involve great monetary~~
6 ~~gain to the public employee or great monetary loss to the~~
7 ~~victim or victims.~~

8 ~~"4. The violation did not involve a high degree of~~
9 ~~sophistication or planning, did not occur over a lengthy~~
10 ~~period of time, or did not involve multiple victims and did~~
11 ~~not involve a single victim that was victimized more than~~
12 ~~once.~~

13 ~~"5. The public employee has resigned or been~~
14 ~~terminated from the position occupied during which the~~
15 ~~violation occurred and is otherwise not a current public~~
16 ~~employee.~~

17 ~~"(23) (21) PERSON. A business, individual,~~
18 ~~corporation, partnership, union, association, firm, committee,~~
19 ~~club, or other organization or group of persons or entity.~~

20 ~~"(24) (22) PRINCIPAL. A person or business which Any~~
21 ~~of the following:~~

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

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

1 "c. An individual acting on behalf of a principal
2 who has the responsibility and authority to fire the lobbyist
3 or to control the positions or directives of the lobbyist's
4 activities and the manner in which those activities are
5 carried out. For purposes of this paragraph, the term does not
6 include either of the following:

7 "1. An individual merely lending subject matter
8 expertise to the lobbyist.

9 "2. An individual participating in the process of
10 determining policy positions or receiving updates as to the
11 status of lobbying activities by virtue of being a member,
12 director, employee, or officer of a principal.

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

15 ~~"(26) (23) PUBLIC EMPLOYEE.~~

16 "a. Any ~~person~~ individual employed at the state,
17 county, or municipal level of government or their
18 instrumentalities, including ~~governmental~~ public or private
19 corporations and authorities, ~~but excluding employees of~~
20 ~~hospitals or other health care corporations including contract~~
21 ~~employees of those hospitals or other health care corporations~~
22 ~~established pursuant to state law by state, county, or~~
23 ~~municipal governments for the purpose of carrying out a~~
24 ~~specific governmental function, who is paid in whole or in~~
25 ~~part from state, county, or municipal funds. For purposes of~~
26 ~~this chapter, a public employee does not include a person~~
27 ~~employed on a part-time basis whose employment is limited to~~

1 ~~providing professional services other than lobbying, the~~
2 ~~compensation for which constitutes less than 50 percent of the~~
3 ~~part-time employee's income~~

4 "b. The term does not include an employee, including
5 a contract employee, of a hospital or other health care
6 corporation or authority.

7 ~~"(27)~~ (24) PUBLIC OFFICIAL. Any ~~person~~ individual
8 elected to public office, whether or not that ~~person~~
9 individual has taken office, by the vote of the people at
10 state, county, or municipal level of government or their
11 instrumentalities, including governmental corporations, and
12 any ~~person~~ individual appointed to a position at the state,
13 county, or municipal level of government or their
14 instrumentalities, including governmental corporations. For
15 purposes of this chapter, a public official includes the
16 chairs and vice-chairs or the equivalent offices of each state
17 political party as defined in Section 17-13-40.

18 ~~"(28)~~ (25) REGULATORY BODY. A state agency ~~which~~
19 ~~issues regulations in accordance with the Alabama~~
20 ~~Administrative Procedure Act~~ that adopts rules or a state,
21 county, or municipal department, agency, board, or commission
22 ~~which~~ that controls, according to rule ~~or regulation~~, the
23 activities, business licensure, or functions of any ~~group,~~
24 ~~person, or persons.~~

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

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

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

7 ~~"(32) (26) STATEMENT OF ECONOMIC INTERESTS. A~~
8 ~~financial disclosure form made available by the commission~~
9 ~~which shall be completed and filed with the commission prior~~
10 ~~to April 30 of each year covering the preceding calendar year~~
11 ~~by certain public officials and public employees pursuant to~~
12 ~~Section 36-25-14.~~

13 ~~"(33) (27) SUPERVISOR. Any person individual having~~
14 ~~authority to hire, transfer, suspend, lay off, recall,~~
15 ~~promote, discharge, assign, or discipline other public~~
16 ~~employees, or any person individual responsible to direct~~
17 ~~them, or to adjust their grievances, or to recommend personnel~~
18 ~~action, if, in connection with the foregoing, the exercise of~~
19 ~~the authority is not of a merely routine or clerical nature~~
20 ~~but requires the use of independent judgment.~~

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

22 ~~"a. Any gift, benefit, favor, service, gratuity,~~
23 ~~tickets or passes to an entertainment, social or sporting~~
24 ~~event, unsecured loan, other than those loans and forbearances~~
25 ~~made in the ordinary course of business, reward, promise of~~
26 ~~future employment, or honoraria or other item of monetary~~
27 ~~value.~~

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

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

6 ~~"2. Anything given by a family member of the~~
7 ~~recipient under circumstances which make it clear that it is~~
8 ~~motivated by a family relationship.~~

9 ~~"3. Anything given by a friend of the recipient~~
10 ~~under circumstances which make it clear that it is motivated~~
11 ~~by a friendship and not given because of the recipient's~~
12 ~~official position. Relevant factors include whether the~~
13 ~~friendship preexisted the recipient's status as a public~~
14 ~~employee, public official, or candidate and whether gifts have~~
15 ~~been previously exchanged between them.~~

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

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

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

1 ~~"7. Rewards and prizes given to competitors in~~
2 ~~contests or events, including random drawings, which are open~~
3 ~~to the public.~~

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

10 ~~"9. Anything for which the recipient pays full~~
11 ~~value.~~

12 ~~"10. Compensation and other benefits earned from a~~
13 ~~non-government employer, vendor, client, prospective employer,~~
14 ~~or other business relationship in the ordinary course of~~
15 ~~employment or non-governmental business activities under~~
16 ~~circumstances which make it clear that the thing is provided~~
17 ~~for reasons unrelated to the recipient's public service as a~~
18 ~~public official or public employee.~~

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

21 ~~"12. Payment of or reimbursement for actual and~~
22 ~~necessary transportation and lodging expenses, as well as~~
23 ~~waiver of registration fees and similar costs, to facilitate~~
24 ~~the attendance of a public official or public employee, and~~
25 ~~the spouse of the public official or public employee, at an~~
26 ~~educational function or widely attended event of which the~~
27 ~~person is a primary sponsor. This exclusion applies only if~~

1 ~~the public official or public employee meaningfully~~
2 ~~participates in the event as a speaker or a panel participant,~~
3 ~~by presenting information related to his or her agency or~~
4 ~~matters pending before his or her agency, or by performing a~~
5 ~~ceremonial function appropriate to his or her official~~
6 ~~position; or if the public official's or public employee's~~
7 ~~attendance at the event is appropriate to the performance of~~
8 ~~his or her official duties or representative function.~~

9 ~~"13. Payment of or reimbursement for actual and~~
10 ~~necessary transportation and lodging expenses to facilitate a~~
11 ~~public official's or public employee's participation in an~~
12 ~~economic development function.~~

13 ~~"14. Hospitality, meals, and other food and~~
14 ~~beverages provided to a public official or public employee,~~
15 ~~and the spouse of the public official or public employee, as~~
16 ~~an integral part of an educational function, economic~~
17 ~~development function, work session, or widely attended event,~~
18 ~~such as a luncheon, banquet, or reception hosted by a civic~~
19 ~~club, chamber of commerce, charitable or educational~~
20 ~~organization, or trade or professional association.~~

21 ~~"15. Any function or activity pre-certified by the~~
22 ~~Director of the Ethics Commission as a function that meets any~~
23 ~~of the above criteria.~~

24 ~~"16. Meals and other food and beverages provided to~~
25 ~~a public official or public employee in a setting other than~~
26 ~~any of the above functions not to exceed for a lobbyist~~
27 ~~twenty-five dollars (\$25) per meal with a limit of one hundred~~

1 ~~fifty dollars (\$150) per year; and not to exceed for a~~
2 ~~principal fifty dollars (\$50) per meal with a limit of two~~
3 ~~hundred fifty dollars (\$250) per year. Notwithstanding the~~
4 ~~foregoing, the lobbyist's limits herein shall not count~~
5 ~~against the principal's limits and likewise, the principal's~~
6 ~~limits shall not count against the lobbyist's limits.~~

7 ~~"17. Anything either (i) provided by an association~~
8 ~~or organization to which the state or, in the case of a local~~
9 ~~government official or employee, the local government pays~~
10 ~~annual dues as a membership requirement or (ii) provided by an~~
11 ~~association or organization to a public official who is a~~
12 ~~member of the association or organization and, as a result of~~
13 ~~his or her service to the association or organization, is~~
14 ~~deemed to be a public official. Further included in this~~
15 ~~exception is payment of reasonable compensation by a~~
16 ~~professional or local government association or corporation to~~
17 ~~a public official who is also an elected officer or director~~
18 ~~of the professional or local government association or~~
19 ~~corporation for services actually provided to the association~~
20 ~~or corporation in his or her capacity as an officer or~~
21 ~~director.~~

22 ~~"18. Any benefit received as a discount on~~
23 ~~accommodations, when the discount is given to the public~~
24 ~~official because the public official is a member of an~~
25 ~~organization or association whose entire membership receives~~
26 ~~the discount.~~

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

5 ~~"(35)(28) VALUE.~~ The fair market price of a like
6 item if purchased by a private citizen. In the case of tickets
7 to social and sporting events and associated passes, the value
8 is the face value printed on the ticket.

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

14 ~~"§36-25-3.~~

15 ~~"(a) There is hereby created a State Ethics~~
16 ~~Commission. Commencing September 1, 2020, the commission shall~~
17 ~~be comprised of six composed of five members, each of whom~~
18 ~~shall be a fair, equitable citizen of this state and of high~~
19 ~~moral character and ability. The following persons shall not~~
20 ~~be eligible to be appointed as members: (1) a public official;~~
21 ~~(2) a candidate; (3) a registered lobbyist and his or her~~
22 ~~principal; or (4) a former employee of the commission. No~~
23 ~~member of the commission shall be eligible for reappointment~~
24 ~~to succeed himself or herself. The members of the commission~~
25 ~~shall be appointed on a rotating basis by the following~~
26 ~~officers officials: The Governor, ~~the Lieutenant Governor, or~~~~
27 ~~in the absence of a Lieutenant Governor, the Presiding Officer~~

1 of the Senate; ~~and the Speaker of the House of~~
2 Representatives; the presiding judge of the Court of Civil
3 Appeals, with the initial appointment made September 1, 2020,
4 to an additional member to the commission; the presiding judge
5 of the Court of Criminal Appeals, with the initial appointment
6 made to the member whose term begins September 1, 2021; and
7 the President Pro Tempore of the Senate, with the initial
8 appointment made to the member whose term begins September 1,
9 2022. Appointments shall be subject to Senate confirmation,
10 and ~~persons appointed~~ appointees shall assume their duties
11 upon ~~after~~ confirmation by the Senate. ~~The members of the~~
12 ~~first commission shall be appointed for terms of office~~
13 ~~expiring one, two, three, four, and five years, respectively,~~
14 ~~from September 1, 1975. Successors to the members of the first~~
15 ~~commission shall serve for a term of five years beginning~~
16 ~~service~~ Members shall begin service on September 1 of the year
17 appointed and serving until their successors are appointed and
18 confirmed. Members appointed for terms beginning on or after
19 September 1, 2020, shall serve a term of six years, with the
20 exception of the initial member appointed by the presiding
21 judge of the Court of Civil Appeals, who shall serve a
22 five-year term. If at any time there ~~should be~~ is a vacancy on
23 the commission, a successor member ~~to serve for the unexpired~~
24 ~~term applicable to such vacancy shall be appointed by the~~
25 ~~Governor. The commission shall elect one member to serve as~~
26 ~~chair of the commission and one member to serve as vice chair.~~
27 ~~The vice chair shall act as chair in the absence or disability~~

1 ~~of the chair or in the event of a vacancy in that office.~~
2 shall be appointed by the respective appointing authority to
3 serve for the unexpired term. A member of the commission may
4 not be reappointed to succeed himself or herself unless the
5 prior service was for less than a full term. A vacancy in the
6 commission shall not impair the right of the remaining members
7 to exercise all the powers of the commission.

8 ~~Beginning with the first vacancy on the Ethics~~
9 ~~Commission after October 1, 1995, if there is not a Black~~
10 ~~member serving on the commission, that vacancy shall be filled~~
11 ~~by a Black appointee. Any vacancy thereafter occurring on the~~
12 ~~commission shall also be filled by a Black appointee if there~~
13 ~~is no Black member serving on the commission at that time.~~

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

16 "(b) The appointing officers shall coordinate their
17 appointments to ensure that the membership of the commission
18 is inclusive and reflects the racial, gender, and geographical
19 areas of the state. In addition, the commission shall always
20 have as a member a State of Alabama-licensed an attorney
21 licensed in this state and in good standing and a former
22 elected public official who served at least two terms of
23 office. Each member must be a resident of this state and of
24 high moral character and ability. The following individuals
25 are not eligible to be appointed as members: (1) a public
26 official; (2) a candidate; (3) a registered lobbyist or a
27 principal; or (4) a former employee of the commission.

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

5 ~~"(b) (c) A vacancy in the commission shall not~~
6 ~~impair the right of the remaining members to exercise all the~~
7 ~~powers of the commission, and three~~ The commission shall elect
8 one member to serve as chair of the commission and one member
9 to serve as vice chair. The vice chair shall act as chair in
10 the absence or disability of the chair or in the event of a
11 vacancy in that office. Commencing September 1, 2020, four
12 members thereof shall constitute a quorum and any formal
13 action taken by the commission shall require an affirmative
14 vote by at least four members.

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

23 ~~"(d) (e)~~ Members of the commission, while serving on
24 the business of the commission, shall be entitled to receive
25 compensation at the rate of fifty dollars (\$50) per day, and
26 each member shall be paid his or her travel expenses incurred
27 in the performance of his or her duties as a member of the

1 commission as other state employees and officials are paid
2 when approved by the chair. If for any reason a member of the
3 commission wishes not to claim and accept the compensation or
4 travel expenses, the member shall inform the director, in
5 writing, of the refusal. The member may at any time during his
6 or her term begin accepting compensation or travel expenses;
7 however, the member's refusal for any covered period shall act
8 as an irrevocable waiver for that period.

9 ~~"(e)~~ (f) All members, officers, agents, attorneys,
10 and employees of the commission shall be subject to this
11 chapter. The director, members of the commission, and all
12 employees of the commission may not engage in partisan
13 political activity, including the making of campaign
14 contributions, on the state, county, and local levels. The
15 prohibition shall in no way act to limit or restrict ~~such~~
16 ~~persons~~ an individual's ability to vote in any election.

17 ~~"(f)~~ (g) The commission shall appoint a full-time
18 director. Appointment of the director shall be subject to
19 Senate confirmation, and the ~~person~~ individual appointed shall
20 assume his or her duties upon confirmation by the Senate. If
21 the Senate fails to vote on an appointee's confirmation before
22 adjourning sine die during the session in which the director
23 is appointed, the appointee is deemed to be confirmed. No
24 appointee whose confirmation is rejected by the Senate may be
25 reappointed. The director shall serve at the pleasure of the
26 commission and shall appoint ~~such~~ other employees as needed.
27 ~~All such employees~~ Employees of the commission, except the

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

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

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

1 in addition to the powers and duties herein conferred, shall
2 have the authority and duties of an assistant or deputy
3 attorney general, except, that his or her entire time shall be
4 devoted to the commission. Each attorney shall act on behalf
5 of the commission in actions or proceedings brought by or
6 against the commission pursuant to any law under the
7 commission's jurisdiction or in which the commission joins or
8 intervenes as to a matter within the commission's jurisdiction
9 or as a friend of the court or otherwise.

10 ~~"(i)~~ (j) The director shall designate in writing the
11 chief investigator, should there be one, and a maximum of
12 eight full-time investigators who shall be and are hereby
13 constituted law enforcement officers of the State of Alabama
14 with full and unlimited police power and jurisdiction to
15 enforce the laws of this state pertaining to the operation and
16 administration of the commission and this chapter.

17 Investigators shall meet the requirements of the Alabama Peace
18 Officers' Standards and Training Act, Sections 36-21-40 to
19 36-21-51, inclusive, and shall in all ways and for all
20 purposes be considered law enforcement officers entitled to
21 all benefits provided in Section 36-15-6(f). Notwithstanding
22 the foregoing, the investigators shall only exercise their
23 power of arrest as granted under this chapter pursuant to an
24 order issued by a court of competent jurisdiction.

25 "§36-25-4.

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

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

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

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

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

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

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

1 ~~"(7) Make investigations with respect to Investigate~~
2 ~~statements and reports filed pursuant to this chapter, and~~
3 ~~with respect to and any alleged failures to file, or omissions~~
4 ~~contained therein, any statement required pursuant to this~~
5 ~~chapter and, upon complaint by any individual, with respect to~~
6 ~~alleged violation of any part of this chapter to the extent~~
7 ~~authorized by law.~~

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

11 "a. Receiving a complaint as further provided in
12 subsection (e).

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

16 "c. Initiating an investigation as further provided
17 in subsection (f).

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

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

22 "b. Impose administrative penalties for violations
23 described in subsection (b) of Section 36-25-27.

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

1 "(10) When in ~~its~~ the commission's opinion a
2 thorough audit of any ~~person~~ individual or any ~~business~~ entity
3 should be made in order to determine whether this chapter has
4 been violated, ~~the commission shall~~ direct the Examiner of
5 Public Accounts to have an audit made and a report thereof
6 filed with the commission. The Examiner of Public Accounts,
7 upon receipt of the directive, shall comply therewith.

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

11 "~~(9)~~ (12) Issue and publish advisory opinions on the
12 requirements of this chapter, as further provided in
13 subsection (c). ~~based on a real or hypothetical set of~~
14 ~~circumstances. Such advisory opinions shall be adopted by a~~
15 ~~majority vote of the members of the commission present and~~
16 ~~shall be effective and deemed valid until expressly overruled~~
17 ~~or altered by the commission or a court of competent~~
18 ~~jurisdiction. The written advisory opinions of the commission~~
19 ~~shall protect the person at whose request the opinion was~~
20 ~~issued and any other person reasonably relying, in good faith,~~
21 ~~on the advisory opinion in a materially like circumstance from~~
22 ~~liability to the state, a county, or a municipal subdivision~~
23 ~~of the state because of any action performed or action~~
24 ~~refrained from in reliance of the advisory opinion. Nothing in~~
25 ~~this section shall be deemed to protect any person relying on~~
26 ~~the advisory opinion if the reliance is not in good faith, is~~
27 ~~not reasonable, or is not in a materially like circumstance.~~

1 ~~The commission may impose reasonable charges for publication~~
2 ~~of the advisory opinions and monies shall be collected,~~
3 ~~deposited, dispensed, or retained as provided herein. On~~
4 ~~October 1, 1995, all prior advisory opinions of the commission~~
5 ~~in conflict with this chapter, shall be ineffective and~~
6 ~~thereby deemed invalid and otherwise overruled unless there~~
7 ~~has been any action performed or action refrained from in~~
8 ~~reliance of a prior advisory opinion.~~

9 "~~(10)~~ (13) Initiate and continue, where practicable,
10 programs for the purpose of educating candidates, officials,
11 employees, and citizens of Alabama on matters of ethics in
12 government service.

13 "~~(11)~~ (14) In accordance with ~~Sections 41-22-1 to~~
14 ~~41-22-27, inclusive,~~ the Alabama Administrative Procedure Act,
15 ~~prescribe~~ adopt, publish, and enforce rules to carry out this
16 chapter.

17 "(b) Additionally, the commission shall work with
18 the Secretary of State to implement the reporting requirements
19 of the Alabama Fair Campaign Practices Act and shall do all of
20 the following:

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

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

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

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

8 "(5) Investigate and hold hearings for receiving
9 evidence regarding alleged violations of the Fair Campaign
10 Practices Act as set forth in this chapter that demonstrates a
11 likelihood that the Fair Campaign Practices Act has been
12 violated.

13 "(6) Conduct ~~or authorize~~ audits of any filings
14 required under the Fair Campaign Practices Act if evidence
15 exists that an audit is warranted because of the filing of a
16 complaint in the form required by this chapter or if there
17 exists a material discrepancy or conflict on the face of any
18 filing required by the Fair Campaign Practices Act.

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

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

25 "~~(9) (8) Make investigations with respect to~~
26 Investigate statements filed pursuant to the Fair Campaign
27 Practices Act, ~~and with respect to~~ any alleged failures to

1 file, or omissions contained therein, ~~any statement required~~
2 ~~pursuant to the Fair Campaign Practices Act and, upon~~
3 ~~complaint by any individual, with respect to alleged violation~~
4 ~~of any part of that act to the extent authorized by law.~~

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

10 "(10) When in ~~its~~ the commission's opinion a
11 thorough audit of any ~~person~~ individual or any ~~business~~ entity
12 should be made in order to determine whether the Fair Campaign
13 Practices Act has been violated, ~~the commission shall~~ direct
14 the Examiner of Public Accounts to have an audit made and a
15 report thereof filed with the commission. The Examiner of
16 Public Accounts, upon receipt of the directive, shall comply
17 therewith.

18 ~~"(10)~~ (11) Issue and publish advisory opinions on
19 the requirements of the Fair Campaign Practices Act, as
20 further provided in subsection (c). ~~based on a real or~~
21 ~~hypothetical set of circumstances. Such advisory opinions~~
22 ~~shall be adopted by a majority vote of the members of the~~
23 ~~commission present and shall be effective and deemed valid~~
24 ~~until expressly overruled or altered by the commission or a~~
25 ~~court of competent jurisdiction. The written advisory opinions~~
26 ~~of the commission shall protect the person at whose request~~
27 ~~the opinion was issued and any other person reasonably~~

1 ~~relying, in good faith, on the advisory opinion in a~~
2 ~~materially like circumstance from liability of any kind~~
3 ~~because of any action performed or action refrained from in~~
4 ~~reliance of the advisory opinion. Nothing in this section~~
5 ~~shall be deemed to protect any person relying on the advisory~~
6 ~~opinion if the reliance is not in good faith, is not~~
7 ~~reasonable, or is not in a materially like circumstance. The~~
8 ~~commission may impose reasonable charges for publication of~~
9 ~~the advisory opinions and monies shall be collected,~~
10 ~~deposited, dispensed, or retained as provided herein.~~

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

15 "(c) (1) The commission shall issue and publish an
16 advisory opinion on the requirements of this chapter or the
17 Fair Campaign Practices Act based on a real or hypothetical
18 set of circumstances. Advisory opinions shall be adopted by a
19 majority vote of the members of the commission present and
20 shall be effective and deemed valid until expressly overruled
21 or altered by the commission or a court of competent
22 jurisdiction. The written advisory opinions of the commission
23 shall protect the individual at whose request the opinion was
24 issued and any other individual reasonably relying, in good
25 faith, on the advisory opinion in a materially like
26 circumstance from liability to the state, a county, a
27 municipality, or other political subdivision of the state

1 because of any action performed or action refrained from in
2 reliance of the advisory opinion. Nothing in this subsection
3 shall be deemed to protect any individual relying on the
4 advisory opinion if the reliance is not in good faith, is not
5 reasonable, or is not in a materially like circumstance.

6 "(2) The commission's decision not to issue an
7 advisory opinion does not create any presumption on the
8 whether the action upon which the request for an advisory
9 opinion was based, does or does not violate this chapter.

10 "(3 The commission may impose reasonable charges for
11 publication of the advisory opinions, and monies collected
12 shall be deposited, dispensed, or retained as provided in
13 subsection (1).

14 ~~(c)~~(d) (1) Except as necessary to permit the sharing
15 of information and evidence with the Attorney General or a
16 district attorney, a complaint filed pursuant to this chapter
17 or the Fair Campaign Practices Act, together with any
18 statement, evidence, or information received from the
19 complainant, witnesses, or other ~~persons~~ individuals shall be
20 protected by and subject to the same 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, except that a violation of this section shall~~
24 ~~constitute a Class C felony.~~ Such restrictions shall apply to
25 all investigatory activities taken by the director, the
26 commission, or a member thereof, staff, employees, or any
27 ~~person~~ individual engaged by the commission in response to a

1 complaint filed with the commission and to all proceedings
2 relating thereto before the commission. Such restrictions
3 shall also apply to all information and evidence supplied to
4 the Attorney General or district attorney.

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

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

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

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

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

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

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

19 "(f) (1) ~~The commission shall be entitled to~~
20 ~~authorize~~ In addition to initiating an investigation upon a
21 complaint as provided in subsection (e), the commission may
22 also initiate an investigation upon written consent of four
23 commission members, upon an express finding that probable
24 cause exists that a violation or violations of this chapter or
25 the Fair Campaign Practices Act have occurred. Upon the
26 commencement of any investigation, the Alabama Rules of
27 Criminal Procedure as applicable to the grand jury process

1 ~~promulgated by the Alabama Supreme Court~~ shall apply and shall
2 remain in effect until the complaint is dismissed or disposed
3 of in some other manner. A complaint may be initiated by a
4 vote of four members of the commission; ~~provided, however,~~
5 that the commission ~~shall~~ may not conduct the hearing, but
6 rather the hearing shall be conducted by three active or
7 retired judges, who shall be appointed by the Chief Justice of
8 the Alabama Supreme Court. ~~, at least one of whom shall be~~
9 ~~Black~~ The Chief Justice shall appoint judges to a panel so
10 that diversity of gender and race is reflective of the makeup
11 of the judiciary of this state.

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

1 "~~(e)~~ (g) Not less than 45 days prior to any hearing
2 before the commission, the respondent shall be given notice
3 that a complaint has been filed against him or her and shall
4 be given a summary of the charges contained ~~therein~~ in the
5 complaint. Upon the timely request of the respondent, a
6 continuance of the hearing for not less than 30 days shall be
7 granted for good cause shown. The respondent charged in the
8 complaint shall have the right to be represented by retained
9 legal counsel. The commission may not require the respondent
10 to be a witness against himself or herself and shall provide
11 discovery to the respondent pursuant to the Alabama Rules of
12 Criminal Procedure.

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

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

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

24 "(h) (1) In the course of an investigation, the
25 commission may subpoena witnesses and compel their attendance
26 and may also require the production of books, papers,
27 documents, and other evidence. If any person fails to comply

1 with any subpoena lawfully issued, or if any witness refuses
2 to produce evidence or to testify as to any matter relevant to
3 the investigation, it shall be the duty of any court of
4 competent jurisdiction or the judge thereof, upon the
5 application of the director, to compel obedience upon penalty
6 for contempt, as in the case of disobedience of a subpoena
7 issued for such court or a refusal to testify therein.

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

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

1 "(4) Any vote taken by the members of the commission
2 ~~relative~~ relating to the issuance of a subpoena shall be
3 protected by and subject to the restrictions relating to
4 secrecy and nondisclosure of information, conversation,
5 knowledge, or evidence of Sections 12-16-214 to 12-16-216,
6 inclusive.

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

24 "(2) If, upon an affirmative vote, the commission
25 finds probable cause that a ~~person covered by this chapter has~~
26 ~~violated it or that the person covered by the Fair Campaign~~
27 ~~Practices Act has violated that act, the case and the~~

1 ~~commission's findings shall be forwarded to the district~~
2 ~~attorney for the jurisdiction in which the alleged acts~~
3 ~~occurred or to the Attorney General. The case, along with the~~
4 ~~commission's findings, shall be referred for appropriate legal~~
5 ~~action.~~ violation of this chapter has occurred, the commission
6 shall do any of the following, as appropriate:

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

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

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

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

19 "a. Impose civil penalties for violations described
20 in subsection 17-5-19.2

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

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

1 "~~(j)~~(k) Within 180 days of receiving a case referred
2 by the commission, the Attorney General or district attorney
3 to whom the case was referred may, upon written request of the
4 commission notify the commission, in writing, stating whether
5 he or she intends to take action against the respondent,
6 including an administrative disposition or settlement, conduct
7 further investigation, or close the case without taking
8 action. If the Attorney General or district attorney decides
9 to pursue the case, he or she, upon written request of the
10 commission, may inform the commission of the final disposition
11 of the case. The written information pursuant to this section
12 shall be maintained by the commission and made available upon
13 request as a public record. The director may request an oral
14 status update from the Attorney General or district attorney
15 from time to time.

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

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

24 "§36-25-4.1.

25 "(a) Notwithstanding any other law, ~~regulation,~~ or
26 rule, no complaints shall be made available to the public or
27 available on the Internet until the disposition of the matter.

1 In no event may a complaint be made public or available on the
2 Internet if the complaint is dismissed or found not to have
3 probable cause. In the matters where the complaint is
4 dismissed or found not to have probable cause, only the
5 disposition of the matter may be made available to the public
6 or available on the Internet. Nothing in this ~~section~~
7 subsection shall be deemed a direct grant of authority for the
8 commission to publicize or make available on the Internet any
9 complaint or investigation if not permitted by any other law~~7~~
10 ~~regulation7~~ or rule.

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

14 "§36-25-4.3.

15 "(a) The commission~~7~~ ~~by April 1, 2012,~~ shall
16 implement and maintain each of the following:

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

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

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

1 "b. Generation of an aggregate list of all things of
2 ~~value~~ provided to each public official, ~~or~~ public employee,
3 ~~and or~~ or family member of ~~a~~ the public official or public
4 employee as reported pursuant to Section 36-25-19, searchable
5 and retrievable by the name of the public official or public
6 employee.

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

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

18 "§36-25-5.

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

1 ~~thereof~~ receives, obtains, exerts control over, or otherwise
2 converts to personal use the object constituting such personal
3 gain.

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

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

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

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

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

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

1 including government owned motor vehicles, by public officials
2 or public employees would not result in a personal or business
3 benefit. If the internal policies are reviewed and approved by
4 the commission, then there is a rebuttable presumption that a
5 public official or public employee who complies with the
6 policy has not violated this section.

7 "§36-25-5.1.

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

21 "(1) Lawful campaign contributions.

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

25 "(3) Food and beverages provided in settings
26 permitted by subsection (e).

1 "(4) Payment of or reimbursement for actual and
2 necessary registration and travel expenses, including
3 reasonable food and lodging expenses, incurred by attendance
4 at an educational function of which the lobbyist or principal
5 is a sponsor.

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

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

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

21 "(8) Compensation or business relationships
22 permitted by subsection (f).

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

26 ~~"(b) A lobbyist does not provide a thing of value,~~
27 ~~for purposes of this section, violate subsection (a) merely by~~

1 arranging, facilitating, or coordinating with his or her
2 principal that is providing and paying for those items.

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

10 "(d) A public official, public employee, or family
11 member of the public official or public employee may not
12 receive anything from a lobbyist, a subordinate of a lobbyist,
13 or a principal, subject to the following exceptions:

14 "(1) Lawful campaign contributions.

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

18 "(3) Food and beverages received in settings
19 permitted by subsection (e).

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

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

1 "(6) Anything received as the result of a familial
2 relationship.

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

14 "(8) Compensation or business relationships
15 permitted by subsection (e).

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

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

24 "(1) At a gathering, dinner, reception, or other
25 event of mutual interest to a number of parties at which it is
26 reasonably expected that more than 12 individuals will attend

1 and that individuals with a diversity of views or interests
2 will be present.

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

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

20 "(f) (1) A public official or public employee may
21 maintain and receive compensation from bona fide business
22 relationships established prior to his or her public service
23 or qualification for office, provided the compensation is
24 unrelated to the recipient's official position and the
25 compensation does not present an irreconcilable conflict of
26 interest or is not otherwise prohibited by law.

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

9 "a. The employment or partnership is with an
10 individual or business with direct or specific interests
11 before the public official or public employee in his or her
12 official capacity.

13 "b. The recipient is not reasonably qualified to
14 perform the services.

15 "c. The compensation is substantially different than
16 that customarily earned by a private citizen for the same
17 services.

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

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

24 "(1) An individual who knowingly, recklessly, or
25 with criminal negligence violates this section shall be
26 subject to a civil penalty levied by the commission in an
27 amount not more than three thousand dollars (\$3,000) for a

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

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

8 "a. Violations committed before July 1, 2020, shall
9 be considered in determining whether an individual has
10 violated this section on more than two occasions.

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

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

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

18 "§36-25-7.

19 "(a) ~~No person shall~~ A person may not offer or give
20 anything to a public official, ~~or~~ public employee, or a family
21 member of the household of a public employee ~~or a member of~~
22 the household of the a public official or public employee and
23 none of the aforementioned shall solicit or receive anything
24 for the purpose of corruptly influencing official action,
25 regardless of whether or not the thing ~~solicited or received~~
26 is a thing of value offered or given is permitted pursuant to
27 Section 36-25-5.1 .

1 "(b) ~~No~~ A public official or public employee ~~shall~~
2 may not solicit or receive anything for himself or herself or
3 for a family member of the public official or public employee
4 ~~or family member of the public official~~ for the purpose of
5 corruptly influencing official action, regardless of whether
6 or not the thing solicited or received is ~~a thing of value~~
7 permitted pursuant to Section 36-25-5.1.

8 ~~(c) No person shall offer or give a family member of~~
9 ~~the public official or family member of the public employee~~
10 ~~anything for the purpose of corruptly influencing official~~
11 ~~action, regardless of whether or not the thing offered or~~
12 ~~given is a thing of value.~~

13 "~~(d)~~ (c) ~~No~~ A public official or public employee,
14 ~~shall~~ may not solicit or receive any money, in addition to
15 that received by the public official or public employee in an
16 official capacity, for advice or assistance on matters
17 concerning ~~the Legislature, lobbying~~ a legislative body, an
18 ~~executive department or any public regulatory board, board, or~~
19 ~~commission or other body of which he or she is a member.~~
20 Notwithstanding the foregoing, for which the public official
21 serves or public employee works; provided, however, nothing in
22 this section shall be construed to prohibit a public official
23 or public employee from the performance of his or her official
24 duties or responsibilities.

25 "~~(e)~~ (d) For purposes of this section, to act
26 corruptly means to act voluntarily, deliberately, and
27 dishonestly to either accomplish an unlawful end or result or

1 to use an unlawful method or means to accomplish an otherwise
2 lawful end or result.

3 "§36-25-8.

4 "~~No~~ A public official, public employee, former
5 public official or former public employee, for a period
6 consistent with the statute of limitations as contained in
7 this chapter, ~~shall~~ may not use or disclose confidential
8 information gained in the course of or by reason of his or her
9 position or employment in any way that could result in
10 financial gain, other than his or her regular salary as such
11 public official or public employee, ~~for himself or herself, a~~
12 ~~family member of the public employee or family member of the~~
13 ~~public official,~~ or for any other ~~person or business~~
14 individual or entity.

15 "§36-25-9.

16 "(a) Unless expressly provided otherwise by law, ~~no~~
17 ~~person shall~~ an individual may not serve as a member or
18 employee of a state, county, or municipal regulatory board or
19 commission or other body that regulates any associated
20 business with which he is associated of the individual.
21 ~~Nothing herein shall prohibit real estate brokers, agents,~~
22 ~~developers, appraisers, mortgage bankers, or other persons~~
23 Subject to subsection (b), this subsection does not prohibit a
24 real estate broker, agent, developer, appraiser, mortgage
25 banker, or other individual in the real estate field, or other
26 state-licensed ~~professionals~~ professional, from serving on any
27 ~~planning boards or commissions, housing authorities~~ board or

1 commission, housing authority, zoning board, board of
2 adjustment, code enforcement board, industrial board,
3 utilities board, state board, or commission.

4 ~~"(b) All county or municipal regulatory boards,~~
5 ~~authorities, or commissions currently comprised of any real~~
6 ~~estate brokers, agents, developers, appraisers, mortgage~~
7 ~~bankers, or other persons in the real estate industry may~~
8 ~~allow these individuals to continue to serve out their current~~
9 ~~term if appointed before December 31, 1991, except that at the~~
10 ~~conclusion of such term subsequent appointments shall reflect~~
11 ~~that membership of real estate brokers and agents shall~~
12 Membership of real estate brokers and agents on a county or
13 municipal regulatory board or commission may not exceed more
14 than one less of a majority of any county or municipal
15 regulatory the board or commission effective January 1, 1994.

16 ~~"(c) No~~ A member of any county or municipal agency,
17 board, ~~or commission shall~~ commission, or authority may not
18 vote or participate in any matter in which the member or
19 family member of the member has any financial gain or
20 interest.

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

24 "§36-25-10.

25 "(a) (1) For purposes of this subsection, the term
26 state shall include the State of Alabama and any of its
27 agencies, departments, political subdivisions, counties,

1 colleges and universities and technical schools, the
2 Legislature, the appellate courts, district courts, circuit
3 courts and municipal courts, municipal corporations, and city
4 and county school systems.

5 (2) Each public official and the spouse of each
6 public official, as well as each candidate and the spouse of
7 each candidate, who is employed by the state or the federal
8 government, has a contract with the state or the federal
9 government, or works for a company that receives 50 percent or
10 more of its revenue from the state, shall notify the
11 commission of the employment or contract within 30 days of
12 beginning employment or within 30 days of the beginning of the
13 contract. Notification shall be in the form of a filing
14 described in subdivision (3).

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

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

18 "b. The name of the spouse of the public official or
19 candidate.

20 "c. The department, agency, county, or municipality
21 with whom the public official, candidate, or spouse is
22 employed or with whom the public official, candidate, or
23 spouse has a contract.

24 "d. The exact job description or, if applicable, a
25 description of the contract.

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

1 "f. The compensation, including any and all salary,
2 allowances, and fees, received by the public official or his
3 or her spouse or the candidate or his or her spouse.

4 "(4) If the terms of employment or of the contract
5 change, the public official or his or her spouse or the
6 candidate or his or her spouse shall promptly provide updated
7 information concerning the change with the commission, which
8 shall revise such information in its files.

9 "(b) If a public official or public employee, or a
10 family member of the public official or public employee, or
11 family member of the public official, or a business with which
12 the person is associated, or an associated business of the
13 public official or public employee represents a client or
14 constituent for a fee before any quasi-judicial board or
15 commission, regulatory body, or executive department or agency
16 governmental body, notice of the representation shall be given
17 within the public official or public employee shall notify the
18 commission not more than 10 days after the first day of the
19 appearance. Notice shall be filed with the commission in the
20 manner prescribed by it. No member of the Legislature shall
21 for a fee, reward, or other compensation represent any person,
22 firm, or corporation before the Public Service Commission or
23 the State Board of Adjustment.

24 "(c) If a public official, public employee, a family
25 member of the public official or public employee, or an
26 associated business of the public official or public employee
27 enters into a contract to provide goods or services that is to

1 be paid in whole or in part out of state, county, or municipal
2 funds, the public official or public employee shall give a
3 copy of the contract to the commission not more than 10 days
4 after the contract has been executed. This subsection does not
5 apply to any contract awarded through competitive bid laws.

6 "§36-25-12.

7 (a) ~~No person shall~~ A person may not offer or give
8 anything to a ~~member or~~ public official or public employee of
9 a ~~governmental~~ regulatory body, agency, board, or commission
10 that regulates ~~a~~ the person or an associated business with
11 which ~~of~~ the person is associated, and no member or unless
12 under the circumstances it is not reasonable to infer that the
13 thing of value was intended to impair the impartiality and
14 independent judgment of the public official or public
15 employee.

16 "(b) A public official or public employee of a
17 regulatory body, ~~shall~~ agency, board, or commission may not
18 solicit or accept a thing of value while the member or
19 employee is associated with the regulatory body other than in
20 the ordinary course of business anything from a person who is
21 regulated by, or an associated business of the person is
22 regulated by, the regulatory body, agency, board, or
23 commission unless under the circumstances it is not reasonable
24 to infer that the thing of value was intended to impair the
25 impartiality and independent judgment of the public official
26 or public employee. In addition to the foregoing, the
27 Commissioner of the Department of Agriculture and Industries

1 and any candidate for the office of commissioner may not
2 accept a campaign contribution from a person associated with a
3 business regulated by the department.

4 "§36-25-13.

5 "(a) ~~No~~ An appointed public official, ~~shall serve~~
6 ~~for a fee~~ for a period of two years after leaving service, may
7 not serve as a lobbyist ~~or otherwise represent clients,~~
8 ~~including his or her employer before the board, agency,~~
9 ~~commission, department, or legislative~~ governmental body, ~~of~~
10 for which he or she is a former member for a period of two
11 years after he or she leaves such membership. For the purposes
12 of this subsection, such prohibition shall not include a
13 former member of the Alabama judiciary who as an attorney
14 represents a client in a legal, non-lobbying capacity had
15 served.

16 "(b) ~~Notwithstanding the provisions of subsection~~
17 ~~(a), no~~ An elected public official, ~~elected to a term of~~
18 ~~office shall serve for a fee~~ , for a period of two years after
19 the expiration of the term to which he or she was elected, may
20 not serve as a lobbyist ~~or otherwise represent clients,~~
21 ~~including his or her employer, before the board, agency,~~
22 ~~commission, department, or legislative~~ governmental body of
23 for which he or she is a former member for a period of two
24 years following the term of office for which he or she was
25 elected, irrespective of whether the member left the office
26 prior to the expiration of the term to which he or she was
27 elected. For the purposes of this subsection, such prohibition

1 ~~shall not include a former member of the Alabama judiciary who~~
2 ~~as an attorney represents a client in a legal, non-lobbying~~
3 ~~capacity had served, regardless of whether the public official~~
4 ~~leaves office before the expiration of the term.~~

5 "~~(c) No~~ A public employee ~~shall serve for a fee as a~~
6 ~~lobbyist or otherwise represent clients, including his or her~~
7 ~~employer before the board, agency, commission, or department,~~
8 ~~of which he or she is a former employee or worked pursuant to~~
9 ~~an arrangement such as~~ or an individual who works for a
10 governmental body pursuant to a consulting agreement, agency
11 transfer, loan, or similar agreement arrangement, for a period
12 of two years after he or she leaves ~~such~~ the employment or
13 working other arrangement, may not serve as a lobbyist before
14 the governmental body for which he or she had worked. ~~For the~~
15 ~~purposes of this subsection, such prohibition shall not~~
16 ~~include a former employee of the Alabama judiciary who as an~~
17 ~~attorney represents a client in a legal, non-lobbying~~
18 ~~capacity.~~

19 "~~(d) Except as specifically set out in this section,~~
20 ~~no public official, director, assistant director, department~~
21 ~~or division chief, purchasing or procurement agent having the~~
22 ~~authority to make purchases, or any person who participates in~~
23 ~~the negotiation or approval of contracts, grants, or awards or~~
24 ~~any person who negotiates or approves contracts, grants, or~~
25 ~~awards shall enter into, solicit, or negotiate a contract,~~
26 ~~grant, or award with the governmental agency of which the~~
27 ~~person was a member or employee for a period of two years~~

1 after he or she leaves the membership or employment of such
2 governmental agency. Notwithstanding the prohibition in this
3 subsection a person serving full-time as the director or a
4 department or division chief who has retired from a
5 governmental agency may enter into a contract with the
6 governmental agency of which the person was an employee for
7 the specific purpose of providing assistance to the
8 governmental agency during the transitional period following
9 retirement, but only if all of the following conditions are
10 met:

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

13 "(2) The retiree is at all times in compliance with
14 Section 36-27-8.2.

15 "(3) The compensation paid to the retiree through
16 the contract, when combined with the monthly retirement
17 compensation paid to the retiree, does not exceed the gross
18 monthly compensation paid to the retiree on the date of
19 retirement.

20 "(4) The contract is submitted to and approved by
21 the Director of the Ethics Commission as satisfying the above
22 conditions prior to the date the retiree begins work under the
23 contract.

24 "(e) Notwithstanding subsection (d), a municipality
25 may rehire a retired law enforcement officer or a retired
26 firefighter formerly employed by the municipality at any time

1 ~~to provide public safety services if all of the following~~
2 ~~conditions are satisfied:~~

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

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

9 ~~"(3) Upon a determination to rehire a retired law~~
10 ~~enforcement officer or firefighter, the municipality~~
11 ~~immediately provides notice to the Director of the Ethics~~
12 ~~Commission that the former employee is being rehired.~~

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

21 ~~"(f) (e) No A public official or public employee who~~
22 ~~personally participates in the direct regulation, audit, or~~
23 ~~investigation of a private business, corporation, partnership,~~
24 ~~or individual, shall within two years of his or her departure~~
25 ~~from such employment for a period of two years after leaving~~
26 ~~service or employment, may not solicit or accept employment~~

1 with ~~such that~~ private business, corporation, partnership, or
2 individual.

3 ~~"(g) No former public official or public employee of
4 the state may, within two years after termination of office or
5 employment, act as attorney for any person other than himself
6 or herself or the state, or aid, counsel, advise, consult or
7 assist in representing any other person, in connection with
8 any judicial proceeding or other matter in which the state is
9 a party or has a direct and substantial interest and in which
10 the former public official or public employee participated
11 personally and substantially as a public official or employee
12 or which was within or under the public official or public
13 employee's official responsibility as an official or employee.
14 This prohibition shall extend to all judicial proceedings or
15 other matters in which the state is a party or has a direct
16 and substantial interest, whether arising during or subsequent
17 to the public official or public employee's term of office or
18 employment.~~

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

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

24 "(2) A former public employee from entering into a
25 consulting agreement with his or her former employer to
26 provide personal consulting services, unless otherwise
27 restricted or prohibited by law.

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

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

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

15 "§36-25-14.

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

21 "(1) All elected public officials at the state,
22 county, or municipal level of government ~~or their~~
23 ~~instrumentalities.~~

24 "~~(2) Any person appointed as a public official and~~
25 ~~any person employed as a public employee at the state, county,~~
26 ~~or municipal level of government or their instrumentalities~~
27 ~~who occupies a position whose base pay is seventy-five~~

1 ~~thousand dollars (\$75,000) or more annually, as adjusted by~~
2 ~~the commission by January 31 of each year to reflect changes~~
3 ~~in the U.S. Department of Labor's Consumer Price Index, or a~~
4 ~~successor index.~~

5 "(3) Any public employee at the state, county, or
6 municipal level whose total compensation from public funds
7 during the preceding calendar year meets or exceeds eighty
8 thousand dollars (\$80,000) or a higher threshold amount if the
9 commission sets a higher threshold under subsection (f). NOTE:
10 SHOULD \$80k THRESHOLD BE DELETED?

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

15 "(2) In addition to filing a statement under Section
16 36-25-15, any individual who remains qualified as a candidate
17 as of January 1 of the filing year.

18 ~~"(4)(3) Members of the Alabama Ethics Commission,~~
19 ~~appointed members~~

20 "(4) Members of boards and commissions having
21 statewide jurisdiction, (but excluding members of solely
22 advisory boards).

23 "(5) Members of local boards and commissions, but
24 excluding members of solely advisory boards that do not have
25 authority to expend public funds in excess of fifty thousand
26 dollars (\$50,000) per year, and excluding members of any board
27 that administers a local retirement plan, provided the state

1 has no direct or indirect obligation to participants of the
2 retirement plan.

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

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

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

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

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

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

12 ~~"(11)~~ (7) Chief county and municipal clerks,
13 managers, administrators, and administrative officers of any
14 political subdivision.

15 ~~"(12)~~ (8) Chief and ~~assistant~~ deputy county and
16 municipal building inspectors.

17 ~~"(13)~~ (9) Any county or municipal administrator with
18 power to grant or deny land development permits.

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

20 ~~"(10)~~ (10) Directors and assistant directors of county
21 and municipal regulatory boards, commissions, and authorities.

22 ~~"(11)~~ (11) Directors and assistant directors of county
23 and municipal utility boards, commissions, and authorities.

24 ~~"(15)~~ (12) Chiefs of police.

25 ~~"(16)~~ (13) Fire chiefs.

26 ~~"(17)~~ (14) City and county school superintendents and
27 school board members.

1 "~~(18)~~(15) City and county school principals or
2 administrators.

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

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

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

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

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

17 "~~(20)~~(21) Directors and assistant directors of state
18 agencies.

19 "~~(21)~~(22) Chief financial and accounting directors.

20 "~~(22)~~(23) Chief grant coordinators.

21 "~~(23)~~(24) Each employee of the Legislature or of
22 agencies, including temporary committees and commissions
23 established by the Legislature, other than those employed in
24 maintenance, clerical, secretarial, or similar positions.

25 "~~(24)~~(25) Each employee of the Judicial Branch of
26 government, including active supernumerary ~~district attorneys~~
27 and judges, other than magistrates and those employed in

1 maintenance, clerical, secretarial, or other similar
2 positions.

3 ~~"(26) Each active supernumerary district attorney.~~

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

6 ~~"(b) Unless otherwise required by law, no public
7 employee occupying a position earning less than seventy-five
8 thousand dollars (\$75,000) per year shall be required to file
9 a statement of economic interests, as adjusted by the
10 commission by January 31 of each year to reflect changes in
11 the U.S. Department of Labor's Consumer Price Index, or a
12 successor index. Notwithstanding the provisions of subsection
13 (a) or any other provision of this chapter, no coach of an
14 athletic team of any four-year institution of higher education
15 which that receives state funds shall be required to include
16 any income, donations, gifts, or benefits, other than salary,
17 on the statement of economic interests, if the income,
18 donations, gifts, or benefits are a condition of the
19 employment contract. ~~Such~~ The statement shall be made on a
20 form made available by the commission. The duty to file the
21 statement of economic interests shall rest with the ~~person~~
22 individual covered by this chapter. Nothing in this chapter
23 shall be construed to exclude any public employee or public
24 official from this chapter regardless of whether they are
25 required to file a statement of economic interests. The
26 statement shall contain the following information ~~on the~~
27 ~~person making the filing:~~~~

1 "(1) Name, residential address, and business of the
2 filing party; name, address, and business of living spouse and
3 dependents; name of living adult children; name of parents and
4 siblings; name of living parents of spouse. Undercover law
5 enforcement officers may have their residential addresses and
6 the names of family members removed from public scrutiny by
7 filing an affidavit stating that publicizing this information
8 would potentially endanger their families.

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

13 "(3) A listing of total combined household income of
14 the ~~public official or public employee~~ filing party during the
15 most recent reporting year as to income from salaries, fees,
16 dividends, profits, commissions, and other compensation and
17 listing the names of each business and the income derived from
18 such business in the following categorical amounts: less than
19 one thousand dollars (\$1,000); at least one thousand dollars
20 (\$1,000) and less than ten thousand dollars (\$10,000); at
21 least ten thousand dollars (\$10,000) and less than fifty
22 thousand dollars (\$50,000); at least fifty thousand dollars
23 (\$50,000) and less than one hundred fifty thousand dollars
24 (\$150,000); at least one hundred fifty thousand dollars
25 (\$150,000) and less than two hundred fifty thousand dollars
26 (\$250,000); or at least two hundred fifty thousand dollars
27 (\$250,000) or more. The person reporting shall also name any

1 business or subsidiary thereof in which he or she or his or
2 her spouse or dependents, jointly or severally, own five
3 percent or more of the stock or in which he or she or his or
4 her spouse or dependents serves as an officer, director,
5 trustee, or consultant where the service provides income of at
6 least one thousand dollars (\$1,000) and less than five
7 thousand dollars (\$5,000); or at least five thousand dollars
8 (\$5,000) or more for the reporting period.

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

1 associations, professional associations, governmental
2 associations, associations of public employees or public
3 officials, counties, and any other businesses or associations
4 that the commission may deem appropriate. Amounts received
5 from combined clients in each category shall be reported in
6 the following categorical amounts: Less than one thousand
7 dollars (\$1,000); more than one thousand dollars (\$1,000) and
8 less than ten thousand dollars (\$10,000); at least ten
9 thousand dollars (\$10,000) and less than twenty-five thousand
10 dollars (\$25,000); at least twenty-five thousand dollars
11 (\$25,000) and less than fifty thousand dollars (\$50,000); at
12 least fifty thousand dollars (\$50,000) and less than one
13 hundred thousand dollars (\$100,000); at least one hundred
14 thousand dollars (\$100,000) and less than one hundred fifty
15 thousand dollars (\$150,000); at least one hundred fifty
16 thousand dollars (\$150,000) and less than two hundred fifty
17 thousand dollars (\$250,000); or at least two hundred fifty
18 thousand dollars (\$250,000) or more.

19 "(5) If retainers are in existence or contracted for
20 in any of the ~~above~~ categories of clients provided in
21 subdivision (4), a listing of the categories along with the
22 anticipated income to be expected annually from each category
23 of clients shall be shown in the following categorical
24 amounts: Less than one thousand dollars (\$1,000); at least one
25 thousand dollars (\$1,000) and less than five thousand dollars
26 (\$5,000); or at least five thousand dollars (\$5,000) or more.

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

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

1 less than fifty thousand dollars (\$50,000); fifty thousand
2 dollars (\$50,000) and less than one hundred thousand dollars
3 (\$100,000); one hundred thousand dollars (\$100,000) and less
4 than one hundred fifty thousand dollars (\$150,000); one
5 hundred fifty thousand dollars (\$150,000) and less than two
6 hundred fifty thousand dollars (\$250,000); two hundred fifty
7 thousand dollars (\$250,000) or more. The commission may add
8 additional business to this listing. Indebtedness associated
9 with the homestead of the person filing is exempted from this
10 disclosure requirement.

11 "(c) Filing required by this section shall reflect
12 information and facts in existence at the end of the reporting
13 year.

14 "(d) If the information required herein is not filed
15 as required, the commission shall notify the public official
16 or public employee concerned as to his or her failure to so
17 file and the public official or public employee shall have 10
18 days to file the report after receipt of the notification. The
19 commission may, ~~in its discretion,~~ assess a fine of ten
20 dollars (\$10) a day, not to exceed one thousand dollars
21 (\$1,000), for failure to file timely.

22 "(e) Upon petition, the commission may waive the
23 filing requirement if the filer is deceased or incapable of
24 filing due to infirmity or due to active service in the
25 military.

26 "(f) By January 31 of any year during which the
27 threshold amount referenced in subdivisions (2) and (3) of

1 subsection (a) increases by an amount of two thousand dollars
2 (\$2,000) or more pursuant to the U.S. Department of Labor's
3 Consumer Price Index or a successor index, the commission
4 shall adjust the threshold amount to reflect the two thousand
5 dollar (\$2,000) increase.

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

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

16 "§36-25-15.

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

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

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

22 "§36-25-16.

23 "(a) When any ~~citizen of the state or business with~~
24 ~~which he or she is~~ individual or associated business of the
25 individual represents for a fee any person before a state
26 agency, department, or regulatory body of the Executive
27 ~~Branch, he or she~~ the individual shall report to the

1 commission the name of any adult child, parent, spouse,
2 brother, or sister who is a public official or a public
3 employee of that agency, department, or regulatory body ~~of the~~
4 ~~Executive Branch.~~

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

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

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

25 "§36-25-17.

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

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

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

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

17 "§36-25-18.

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

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

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

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

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

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

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

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

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

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

3 "§36-25-19.

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

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

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

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

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

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

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

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

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

4 "(3) Engages or attempts to engage in a financial
5 transaction with a public official or public employee in the
6 official's or employee's official capacity.

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

13 "§36-25-23.

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

1 official or public employee who violates this subsection shall
2 be guilty of a Class C felony.

3 "(b) ~~No~~ A former member of the House of
4 Representatives or the Senate of the State of Alabama ~~shall~~
5 may not be extended floor privileges of either body in a
6 lobbying capacity.

7 "~~(c) No public official, public employee, or group~~
8 ~~of public officials or public employees shall solicit any~~
9 ~~lobbyist to give any thing whether or not the thing solicited~~
10 ~~is a thing of value to any person or entity for any purpose~~
11 ~~other than a campaign contribution.~~

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

16 "§36-25-24.

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

24 "(b) Nothing in this chapter shall be construed in
25 any manner to prevent or prohibit or otherwise limit a
26 supervisor from disciplining, discharging, transferring, or
27 otherwise affecting the terms and conditions of a public

1 employee's employment so long as the disciplinary action does
2 not result from or is in no other manner connected with the
3 public employee's filing a complaint with the commission,
4 giving truthful statements, and truthfully testifying.

5 "(c) No public employee shall file a complaint or
6 otherwise initiate action against a public official or other
7 public employee without a good faith basis for believing the
8 complaint to be true and accurate.

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

13 "(e) A public employee who files a complaint against
14 a supervisor without a good faith belief in the truthfulness
15 and accuracy of ~~a~~ the ~~complaint filed against a supervisor,~~
16 shall be subject to a civil action in the circuit courts in
17 ~~the State of Alabama pursuant to the Alabama Rules of Civil~~
18 ~~Procedure as promulgated by the Supreme Court.~~ Additionally, a
19 public employee who ~~without a good faith belief in the~~
20 ~~truthfulness and accuracy of a complaint as filed against a~~
21 ~~supervisor shall be~~ violates this subsection subject to
22 appropriate and applicable personnel action.

23 "~~(f) Nothing in this section shall be construed to~~
24 ~~allow a public employee to file a complaint to prevent,~~
25 ~~mitigate, lessen, or otherwise to extinguish existing or~~
26 ~~anticipated personnel action by a supervisor. A public~~
27 ~~employee who willfully files such a complaint against a~~

1 ~~supervisor shall, upon conviction, be guilty of the crime of~~
2 ~~false reporting.~~

3 "§36-25-27.

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

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

13 "(3) Any ~~person~~ individual subject to this chapter
14 who knowingly violates any disclosure requirement of this
15 chapter shall, ~~upon conviction,~~ be guilty of a Class A
16 misdemeanor.

17 "(4) Any ~~person~~ individual who knowingly makes or
18 transmits a false report or complaint pursuant to this chapter
19 shall, upon conviction, be guilty of a Class A misdemeanor and
20 shall be liable for the actual legal expenses incurred by the
21 respondent against whom the false report or complaint was
22 filed.

23 "(5) Any ~~person~~ individual who makes false
24 statements to an employee of the commission or to the
25 commission itself pursuant to this chapter without reason to
26 believe the accuracy of the statements shall, ~~upon conviction,~~
27 be guilty of a Class A misdemeanor.

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

4 ~~"(7)(6)~~ Any person subject to this chapter who
5 intentionally fails to disclose information required by this
6 chapter shall, ~~upon conviction,~~ be guilty of a Class A
7 misdemeanor.

8 "(b) (1) If a respondent petitions the commission or
9 the respondent otherwise agrees to an administrative
10 resolution of the complaint filed against him or her, the
11 commission may administratively resolve a complaint filed
12 pursuant to this chapter for ~~minor violations~~ a violation
13 described in this subdivision upon a unanimous vote and
14 subsequent approval by the appropriate district attorney or
15 the Attorney General. The commission may impose an
16 administrative penalty not to exceed six thousand dollars
17 (\$6,000) for any ~~minor violation of this chapter~~ of the
18 following:

19 "a. A violation of this chapter in which a public
20 official receives an economic gain in an amount less than one
21 thousand five hundred dollars (\$1,500) or the governmental
22 entity has an economic loss of less than one thousand five
23 hundred dollars (\$1,500).

24 "b. A violation of this chapter by a public employee
25 as determined in the discretion of the commission based upon
26 consideration of the following factors:

1 "1. Whether the public employee has made substantial
2 or full restitution to the victim or victims.

3 "2. Whether the violation involved one or multiple
4 participants.

5 "3. Whether the violation involved great monetary
6 gain to the public employee or great monetary loss to the
7 victim or victims.

8 "4. Whether the violation involved a high degree of
9 sophistication or planning that occurred over a lengthy period
10 of time.

11 "5. Whether the violation involved a single victim
12 or multiple victims, and whether the victim or victims were
13 victimized more than once.

14 "6. Whether the public employee has resigned or been
15 terminated from the position occupied during which the
16 violation occurred and is otherwise not a current public
17 employee.

18 "(c) In addition to any administrative penalty, the
19 commission shall order restitution in the amount of any
20 economic loss to the state, county, municipality, or
21 instrumentality of the state, county, or municipality, and
22 when collected, the restitution shall be paid by the
23 commission to the entity having the economic loss. The
24 commission, through its attorney, shall institute proceedings
25 to recover any penalties or restitution or other such funds so
26 ordered pursuant to this section which are not paid by, or on
27 behalf of, the public official or public employee or other

1 person who has violated this chapter. Nothing in this section
2 shall be deemed in any manner to prohibit the commission and
3 the respondent from entering into a consent decree settling a
4 complaint which has previously been designated by the
5 commission for administrative resolution, so long as the
6 consent decree is approved by the commission. If the
7 commission, the respondent, and the Attorney General or
8 district attorney having jurisdiction, all concur that a
9 complaint is deemed to be handled administratively, the action
10 shall preclude any criminal prosecution pursuant to this
11 chapter at the state, county, or municipal level.

12 "(d) The commission may issue a public reprimand or
13 private censure to a respondent for a first-time violation of
14 this chapter if the respondent, a family member of the
15 respondent, or a business with which the respondent is
16 associated did not receive any economic gain from the
17 violation or the violation solely involves a failure to timely
18 file a report or statement or an omission of non-substantive
19 information from a report or statement.

20 ~~"(c)(e) The enforcement of this chapter shall be~~
21 ~~vested in the commission; provided, however, nothing in this~~
22 ~~chapter shall be deemed to limit or otherwise prohibit~~ If the
23 commission has made a finding of probable cause that a
24 violation of this chapter has occurred and has referred the
25 case to the Attorney General or the district attorney for the
26 appropriate jurisdiction as provided in subsection (i) of
27 Section 36-25-3, from enforcing the Attorney General or

1 district attorney may enforce any provision of this chapter as
2 they he or she deems appropriate; provided, however, the
3 Attorney General and any district attorney may not present any
4 case involving a suspected criminal violation of this chapter
5 to a grand jury unless the commission first made a finding of
6 probable cause and referred the case for prosecution. In the
7 event the commission, by majority vote, finds that any
8 provision of this chapter has been violated, the alleged
9 violation and any investigation conducted by the commission
10 shall be referred to the district attorney of the appropriate
11 jurisdiction or the Attorney General. The commission shall
12 provide any and all appropriate assistance to such the
13 district attorney or Attorney General. Upon the request of
14 such district attorney or the Attorney General, the commission
15 may institute, prosecute, or take such other appropriate legal
16 action regarding such violations, proceeding therein with all
17 rights, privileges, and powers conferred by law upon assistant
18 attorneys general.

19 "(2) Notwithstanding subdivision (1), the Attorney
20 General or the district attorney for the appropriate
21 jurisdiction, without input from the commission, may initiate
22 an investigation and enforce this chapter against any member
23 or employee of the commission who has violated this chapter.

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

1 "~~(e)~~ (g) The penalties prescribed in this chapter do
2 not in any manner limit the power of a legislative body to
3 discipline its own members or to impeach public officials and
4 do not limit the powers of agencies, departments, boards, or
5 commissions to discipline their respective officials, members,
6 or employees.

7 "~~(f)~~ (h) If a person fails to pay any penalty, fine,
8 or restitution imposed by the commission pursuant to this
9 chapter, the commission may file an action to collect the
10 penalty, fine, or restitution in the District Court or Circuit
11 Court of Montgomery County. The person shall be responsible
12 for paying all costs associated with the collection of the
13 penalty, fine, or restitution.

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

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

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

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

10 Section 2. Sections 17-17-4, 36-25-1.1, 36-25-1.3,
11 36-25-5.2, 36-25-6, 36-25-11, and 36-25-22 of the Code of
12 Alabama 1975, are repealed.

13 Section 3. Although this bill would have as its
14 purpose or effect the requirement of a new or increased
15 expenditure of local funds, the bill is excluded from further
16 requirements and application under Amendment 621, now
17 appearing as Section 111.05 of the Official Recompilation of
18 the Constitution of Alabama of 1901, as amended, because the
19 bill defines a new crime or amends the definition of an
20 existing crime.

21 Section 4. This act shall become effective July 1,
22 2020, following its passage and approval by the Governor, or
23 its otherwise becoming law.