

1 SB343
2 190292-2
3 By Senator Marsh
4 RFD: Constitution, Ethics and Elections
5 First Read: 22-FEB-18

2
3
4
5
6
7
8 SYNOPSIS: This bill would substantially revise the law
9 relating to ethics of public officials and public
10 employees to, among other things: revise the
11 definition of business and business with which the
12 person is associated; revise the definition of
13 principal; revise the definition of thing of value
14 to specify the circumstances in which gifts,
15 proceeds from the sale of property, and prospective
16 or actual compensation from an employer are not a
17 thing of value; revise the definition of a minor
18 violation; exempt certain public education
19 employees, law enforcement employees, and first
20 responder employees from the requirements of filing
21 a statement of economic interest and prohibitions
22 on asking for or receiving a thing of value from a
23 lobbyist or principal; allow caucuses to solicit or
24 receive meals and beverages from a lobbyist or
25 principal, subject to limitations; authorize the
26 creation of a legal defense fund for a public
27 official or public employee being investigated for

1 or arrested or indicted for a violation of the Code
2 of Ethics or the Fair Campaign Practices Act or is
3 the subject of a pending complaint with the
4 commission or a matter that has been referred to
5 the commission by the Attorney General or a
6 district attorney; increase the circumstances under
7 which the commission can use the process of
8 administrative resolution for violations of the
9 ethics act; prohibit a public official or public
10 employee from using his or her mantle of office, as
11 defined, for personal gain; create the crime of
12 extortion of a public official or public employee
13 by persons attempting to corruptly influence the
14 action of a public official or public employee;
15 revise the filing requirements for the statement of
16 economic interests for public officials to expand
17 the businesses from which income is required to be
18 reported, require disclosure of family
19 relationships with lobbyists and principals, and
20 require a list of economic development functions,
21 educational functions, and widely attended events
22 attended; similarly revise the statement of
23 economic interests for public employees except for
24 the disclosure of economic development functions,
25 education functions, and widely attended events;
26 specify procedures including criminal sanctions
27 when statements of economic interests are not filed

1 timely; to specify criminal sanctions for filing
2 statements of economic interests that are
3 intentionally false; provide for redacting of filed
4 statements of economic interests in limited
5 instances for limited purposes; and prohibit a
6 person convicted of a violation of the code of
7 ethics after the effective date of the bill from
8 being registered as a lobbyist.

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 36-25-2, 36-25-3, 36-25-4, 36-25-4.2, 36-25-5, 36-25-5.1,
10 36-25-7, 36-25-8, 36-25-9, 36-25-10, 36-25-11, 36-25-12,
11 36-25-13, as amended by Act 2017-364 of the 2017 Regular
12 Session, 36-25-14, 36-25-15, 36-25-17, 36-25-18, 36-25-19,
13 36-25-23, 36-25-24, 36-25-26, and 36-25-27, of the Code of
14 Alabama 1975; to add Sections 36-25-3.1, 36-25-3.2, 36-25-3.3,
15 36-25-4.4, 36-25-7.1, and 36-25-7.2, to the Code of Alabama
16 1975, and to repeal Sections 36-25-1.1 and 36-25-6 of the Code
17 of Alabama 1975, to substantially amend the Alabama Ethics
18 Act; to revise existing definitions and add new definitions;
19 to specify when gifts or other income are not a thing of
20 value; to exempt certain public education and police and first
21 responder employees from specified provisions of the code of
22 ethics; to allow caucuses to solicit and receive meals from a
23 lobbyist or principal in limited circumstances; to authorize
24 the creation of legal defense funds; to prohibit use of the
25 mantle of office, as defined, for personal gain; to create the
26 crime of extortion of a public official or public employee; to
27 revise the filing requirements for statements of economic

1 interests for public officials and public employees; to
2 provide for redacting of statements of economic interests; to
3 prohibit a person convicted of a violation of the code of
4 ethics from being registered as a lobbyist; and in connection
5 therewith would have as its purpose or effect the requirement
6 of a new or increased expenditure of local funds within the
7 meaning of Amendment 621 of the Constitution of Alabama of
8 1901, as amended.

9 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

10 Section 1. Sections 36-25-1, 36-25-2, and 36-25-3 of
11 the Code of Alabama 1975, are amended to read as follows:

12 "§36-25-1.

13 "(a) This chapter shall be known and may be cited as
14 the Alabama Ethics Act.

15 "(b) Whenever used in this chapter, the following
16 words and terms shall have the following meanings:

17 "(1) BUSINESS. Any corporation, partnership,
18 proprietorship, firm, enterprise, franchise, association,
19 organization, self-employed ~~individual~~ person, business,
20 union, committee, club, or other organization, or any other
21 legal entity of any kind or character, non-profit or
22 for-profit. The term includes a given entity's subsidiaries,
23 affiliates, parent corporations, related companies, or holding
24 companies.

25 "(2) BUSINESS WITH WHICH THE PERSON IS ASSOCIATED.
26 Any business of which the person or a member of his or her
27 family is an officer~~;~~ owner~~;~~ partner~~;~~ board of director

1 member~~;~~ employee, including an independent contractor or a
2 consultant; or holder of more than five percent of the fair
3 market value of the business.

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

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

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

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

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

20 "(8) CONFLICT OF INTEREST. a. A conflict on the part
21 of a public official or public employee between his or her
22 private interests and the official responsibilities inherent
23 in an office of public trust. ~~A conflict of interest involves~~
24 ~~any action, inaction, or decision by a public official or~~
25 ~~public employee in the discharge of his or her official duties~~
26 ~~which would materially affect his or her financial interest or~~
27 ~~those of his or her family members or any business with which~~

1 ~~the person is associated in a manner different from the manner~~
2 ~~it affects the other members of the class to which he or she~~
3 ~~belongs.~~ A conflict of interest shall exist when a public
4 official or public employee, family member of the public
5 official or public employee, or any business with which the
6 person is associated is uniquely affected by any pending or
7 proposed legislation, official action or withholding of
8 official action, or decision by a public official or public
9 employee in the discharge of his or her official duties. For
10 purposes of this paragraph, the term "uniquely affected" means
11 affected individually or as a member of a small class, but not
12 equally with other members of a large class or in the same
13 manner as the entire community.

14 "b. A conflict of interest shall not include any of
15 the following:

16 "a. 1. A loan or financial transaction made or
17 conducted in the ordinary course of business and on terms
18 generally available to the public.

19 "b. 2. An occasional nonpecuniary award publicly
20 presented by an organization for performance of public
21 service.

22 "c. 3. Payment of, or reimbursement for, actual and
23 necessary transportation and lodging expenses, as well as
24 waiver of registration fees and similar costs, to facilitate
25 the attendance of a public official or public employee, and
26 the spouse of the public official or public employee, at an

1 educational function or widely attended event of which the
2 person is a sponsor, provided that:

3 "(i) The public official or public employee
4 meaningfully participates in the event as a speaker or a panel
5 participant by presenting information related to his or her
6 agency or matters pending before his or her agency;

7 "(ii) The public official or public employee
8 performs a ceremonial function appropriate to his or her
9 official position; or

10 "(iii) The public official's or public employee's
11 attendance at the event is appropriate to the performance of
12 his or her official duties or representative function. Payment
13 of or reimbursement for actual and necessary expenditures for
14 travel and subsistence for the personal attendance of a public
15 official or public employee at a convention or other meeting
16 at which he or she is scheduled to meaningfully participate in
17 connection with his or her official duties and for which
18 attendance no reimbursement is made by the state.

19 "d. 4. Any contribution reported under Chapter 5 of
20 Title 17, a contribution to an inaugural or transition
21 committee, a campaign contribution for a federal election
22 which is otherwise lawful, or a contribution to a legal
23 defense fund. Any campaign contribution, including the
24 purchase of tickets to, or advertisements in journals, for
25 political or testimonial dinners, if the contribution is
26 actually used for political purposes and is not given under
27 circumstances from which it could reasonably be inferred that

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

4 "(9) CORRUPTLY INFLUENCE or CORRUPT PURPOSE. A bad
5 or improper purpose, motive, or action in connection with an
6 expected or actual breach of some official responsibility to
7 the government or the public at large.

8 "(10) CRIMINAL NEGLIGENCE. The term shall have the
9 same meaning ascribed to it in Section 13A-2-2.

10 ~~"(9)~~ (11) DAY. Calendar day.

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

19 ~~"(11)~~ (13) DE MINIMIS. A value ~~twenty-five dollars~~
20 ~~(\$25)~~ fifty dollars (\$50) or less per occasion and an
21 aggregate of ~~fifty dollars (\$50)~~ two hundred fifty dollars
22 (\$250) or less in a calendar year from any single provider, or
23 such other amounts as may be prescribed by the ~~Ethics~~
24 ~~Commission~~ commission from time to time by rule pursuant to
25 the Administrative Procedure Act or adjusted each four years
26 from August 1, ~~2012~~ 2017, to reflect any increase in the cost

1 of living as indicated by the United States Department of
2 Labor Consumer Price Index or any succeeding equivalent index.

3 ~~"(12)~~ (14) ECONOMIC DEVELOPMENT FUNCTION. Any
4 function reasonably and directly related to the advancement of
5 a specific, good-faith economic development or trade promotion
6 project or related objective.

7 "(15) ECONOMIC DEVELOPMENT PROFESSIONAL. A person
8 employed full-time to advance specific, good-faith economic
9 development or trade promotion projects or related objectives
10 for his or her employer. The term does not include public
11 officials, employees of lobbyists, or persons who are
12 otherwise lobbyists.

13 ~~"(13)~~ (16) EDUCATIONAL FUNCTION. A meeting, event, or
14 activity held within the State of Alabama, or if the function
15 is predominantly attended by participants from other states,
16 held within the continental United States, which is organized
17 around a formal program or agenda of educational or
18 informational speeches, debates, panel discussions, or other
19 presentations concerning matters within the scope of the
20 participants' official duties or other matters of public
21 policy, including social services and community development
22 policies, economic development or trade, ethics, government
23 services or programs, or government operations, and which,
24 taking into account the totality of the program or agenda,
25 could not reasonably be perceived as a subterfuge for a purely
26 social, recreational, or entertainment function.

1 "(17) FAIR MARKET VALUE. The fair market price or
2 value of the same or a like thing, if purchased or sold by a
3 member of the general public. For purposes of this definition,
4 the average retail value of a thing is the fair market value
5 of that thing.

6 "~~(14)~~ (18) FAMILY MEMBER OF THE PUBLIC EMPLOYEE. The
7 spouse or a dependent of the public employee.

8 "~~(15)~~ (19) FAMILY MEMBER OF THE PUBLIC OFFICIAL. The
9 spouse, a dependent, an adult child and his or her spouse, a
10 parent, a spouse's parents, a sibling and his or her spouse,
11 of the public official.

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

22 "~~(17)~~ (21) HOUSEHOLD. The public official, or public
23 employee, and his or her spouse and dependents.

24 "(22) INTENTIONAL. The term shall have the same
25 meaning ascribed to it in Section 13A-2-2.

26 "(23) KNOWINGLY. The term shall have the same
27 meaning ascribed to it in Section 13A-2-2.

1 "~~(18)~~ (24) LAW ENFORCEMENT OFFICER. An officer,
2 employee, or agent of the State of Alabama or any political
3 subdivision thereof who is required by law to: a. maintain
4 public order; b. make arrests for offenses, whether that duty
5 extends to all offenses or is limited to specific offenses;
6 and c. investigate the commission or suspected commission of
7 offenses. A full-time employee of a governmental unit
8 responsible for the prevention or investigation of crime who
9 is authorized by law to carry firearms, execute search
10 warrants, and make arrests.

11 "(25) LEGAL DEFENSE FUND. All contributions
12 received, held, or expended for the legal defense of a public
13 official or public employee pursuant to Section 36-25-4.4.

14 "~~(19)~~ (26) LEGISLATIVE BODY. The term "~~legislative~~
15 ~~body~~" includes the following:

16 "a. The Legislature of Alabama, which includes both
17 the Senate of Alabama and the House of Representatives of
18 Alabama, unless specified otherwise by the express language of
19 any provision herein, and any committee or subcommittee
20 thereof.

21 "b. A county commission and any committee or
22 subcommittee thereof.

23 "c. A city council, city commission, town council,
24 or other municipal council or commission, and any committee or
25 subcommittee thereof.

26 "~~(20)~~ (27) LOBBY or LOBBYING. The practice of
27 promoting, opposing, or in any manner influencing or

1 attempting to influence the introduction, defeat, or enactment
2 of legislation before any legislative body; opposing or in any
3 manner influencing the executive approval, veto, or amendment
4 of legislation; or the practice of promoting, opposing, or in
5 any manner influencing or attempting to influence the
6 enactment, promulgation, modification, or ~~deletion~~ repeal of
7 regulations before any regulatory body. The term includes
8 promoting, or otherwise attempting to influence, the award of
9 a grant or contract with any department or agency of the
10 executive, legislative, or judicial branch of state
11 government. The term does not include providing public
12 testimony before a legislative body or regulatory body or any
13 committee thereof; or otherwise lawful activities of economic
14 development professionals.

15 ~~"(21)~~ (28) LOBBYIST.

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

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

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

22 "3. A consultant to the state, county, or municipal
23 levels of government or their instrumentalities, in any manner
24 employed to influence legislation, ~~or~~ regulation, or the award
25 of a grant or contract with any department or agency of the
26 executive, legislative, or judicial branch of state
27 government, regardless of whether the consultant is paid in

1 whole or in part from state, county, municipal, or private
2 funds.

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

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

10 "1. ~~An elected~~ A public official acting on a matter
11 which involves that person's official duties and is not done
12 for compensation other than that provided by law.

13 "2. A person or attorney rendering professional
14 services in drafting bills or in advising clients and ~~in~~
15 rendering opinions as to the construction and effect of
16 proposed or pending legislation, executive action, or rules or
17 regulations, where those professional services are not
18 otherwise connected with legislative, executive, or regulatory
19 action.

20 "3. Reporters and editors ~~while~~ pursuing normal
21 reportorial and editorial duties.

22 "4. Any citizen not lobbying for compensation who
23 contacts a member of a legislative body⁷ or gives public
24 testimony on a particular issue or on particular legislation,
25 or for the purpose of influencing legislation and who is
26 merely exercising his or her constitutional right to
27 communicate with members of a legislative body.

1 "5. A person who appears before a legislative body,
2 a regulatory body, or an executive agency to either sell or
3 purchase goods or services.

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

11 "7. A person who is a member of a business,
12 professional, or membership organization by virtue of ~~the~~
13 ~~person's~~ his or her contribution to, or payment of dues to,
14 the organization, even if ~~though~~ the organization engages in
15 lobbying activities.

16 "8. A state governmental agency head or ~~his or her~~
17 ~~designee who provides~~ public employee designated by the agency
18 head to provide or communicates, or both, information relating
19 to policy or positions, or both, affecting the governmental
20 agencies which he or she represents.

21 "9. Economic development professionals.

22 "(29) MANTLE OF OFFICE. The prestige, power, and
23 influence inherent in one's public office or position.

24 ~~"(22)~~ (30) MINOR VIOLATION.

25 "a. Any violation of this chapter in which the
26 public official ~~or public employee~~ receives an economic gain
27 in an amount less than ~~two hundred fifty dollars (\$250)~~ one

1 thousand five hundred dollars (\$1,500) or the governmental
2 entity has an economic loss of less than ~~two hundred fifty~~
3 ~~dollars (\$250) one thousand five hundred dollars (\$1,500).~~

4 "b. Any violation of this chapter by a public
5 employee as determined in the discretion of the commission and
6 the Attorney General or the district attorney for the
7 appropriate jurisdiction based upon consideration of the
8 following factors:

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

11 "2. The violation did not involve multiple
12 participants.

13 "3. The violation did not involve great monetary
14 gain to the public employee or great monetary loss to the
15 victim or the victims.

16 "4. The violation did not involve a high degree of
17 sophistication or planning; did not occur over a lengthy
18 period of time, or did not involve multiple victims and did
19 not involve a single victim which was victimized more than
20 once.

21 "5. The public employee has resigned or has been
22 terminated from the position occupied during which the
23 violation occurred and is otherwise not a current public
24 employee.

25 "c. The Attorney General or the district attorney
26 for the appropriate jurisdiction must approve the
27 determination of a minor violation by the commission.

1 "(31) OFFICIAL ACTION OR OFFICIAL ACT. Any decision,
2 action, promise, withholding of an action, or exercise of
3 discretion made in a public official's or public employee's
4 official capacity, the course of the official duties or
5 responsibilities of a public official or public employee, or
6 placed in such public official's or public employee's trust,
7 duty, or responsibility. The term includes decisions, actions,
8 or promises to act that a reasonable person would believe to
9 be within the public official's or public employee's official
10 capacity or the course or scope of the official duties or
11 responsibility of the official or employee.

12 "~~(23)~~ (32) PERSON. A human being
13 individual, corporation, partnership, union, association,
14 firm, committee, club, or other organization or group of
15 persons human beings.

16 "~~(24)~~ (33) PRINCIPAL. A

17 "a. The term includes:

18 "1. A person ~~or business~~ which who employs, hires,
19 or otherwise retains a lobbyist.

20 "2. A business that employs, hires, or otherwise
21 retains a lobbyist.

22 "3. A person who individually has the authority to
23 hire, fire, or direct the activities of a lobbyist either on
24 his or her own behalf or on behalf of a business with which
25 the person is associated, including a business for which the
26 person performs compensated work in any capacity, or a
27 business on whose board of directors the person serves. For

1 purposes of this subparagraph, the business may expressly
2 grant or confer authority upon the person or his or her
3 position, or the person may demonstrate his or her authority
4 in fact by his or her actions or conduct.

5 "b. The term does not include a person or business
6 that is merely a member of an association unless the person or
7 business otherwise meets the criteria of paragraph a.

8 ~~"A principal is not a lobbyist but is not allowed to~~
9 ~~give a thing of value.~~

10 ~~"(25)(34) PROBABLE CAUSE. A finding that the~~
11 ~~allegations are more likely than not to have occurred.~~

12 ~~"(26)(35) PUBLIC EMPLOYEE. Any person employed at~~
13 ~~the state, county, or municipal level of government or their~~
14 ~~instrumentalities, including governmental corporations and~~
15 ~~authorities, but excluding employees of hospitals or other~~
16 ~~health care corporations including contract employees of those~~
17 ~~hospitals or other health care corporations, who is paid in~~
18 ~~whole or in part from state, county, or municipal funds. For~~
19 ~~purposes of this chapter, a public employee does not include a~~
20 ~~person employed on a part-time basis whose employment is~~
21 ~~limited to providing professional services other than~~
22 ~~lobbying, the compensation for which constitutes less than 50~~
23 ~~percent of the part-time employee's income. The term does not~~
24 ~~include employees of hospitals or other health care~~
25 ~~corporations, including contract employees of the hospitals or~~
26 ~~other health care corporations.~~

1 "~~(27)~~(36) PUBLIC OFFICIAL. Any person elected to
2 public office, whether or not that person has taken office, by
3 the vote of the people at the state, county, or municipal
4 level of government or their instrumentalities, including
5 governmental corporations, and any person appointed to a
6 position at the state, county, or municipal level of
7 government or their instrumentalities, including governmental
8 corporations. For purposes of this chapter, a public official
9 includes the chairs and vice-chairs or the equivalent offices
10 of each state political party as defined in Section 17-13-40.
11 The term does not include persons who are officials of
12 hospitals or other health care corporations.

13 "(37) RECKLESSLY. The term shall have the same
14 meaning ascribed to it in Section 13A-2-2.

15 "~~(28)~~(38) REGULATORY BODY. A state agency which
16 issues regulations in accordance with the Alabama
17 Administrative Procedure Act or a state, county, or municipal
18 department, agency, board, ~~or~~ commission, or governmental
19 corporation or authority which controls, according to rule or
20 regulation, the activities, business licensure, or functions
21 of any group, person, or persons. The term includes, but is
22 not limited to, the commission, the State Board of Adjustment,
23 and the Public Service Commission.

24 "~~(29)~~(39) REPORTING PERIOD. The reporting official's
25 or employee's fiscal tax year as it applies to his or her
26 United States personal income tax return.

1 "~~(30)~~(40) REPORTING YEAR. The reporting official's
2 or employee's fiscal tax year as it applies to his or her
3 United States personal income tax return.

4 "~~(31)~~(41) RESPONDENT. A person alleged to have
5 violated a provision of this chapter and against whom a
6 complaint has been filed with the commission.

7 "(42) SERVICES. The term shall have the same meaning
8 ascribed to it in Section 13A-8-10.

9 "~~(32)~~(43) STATEMENT OF ECONOMIC INTERESTS. A
10 financial disclosure form ~~made available~~ adopted by the
11 commission which shall be completed and filed with the
12 commission ~~prior to~~ before April 30 of each year covering the
13 preceding calendar year by certain public officials and public
14 employees.

15 "~~(33)~~(44) SUPERVISOR. Any person having authority to
16 hire, transfer, suspend, lay off, recall, promote, discharge,
17 assign, or discipline other public employees, or any person
18 responsible to direct them, or to adjust their grievances, or
19 to recommend personnel action, if, in connection with the
20 foregoing, the exercise of the authority is not of a merely
21 routine or clerical nature but requires the use of independent
22 judgment.

23 "~~(34)~~(45) THING OF VALUE.

24 "a. Any money or lawful United States currency;
25 gift; benefit; favor; service; gratuity; tickets or
26 passes to an entertainment, social or sporting event;
27 unsecured loan, other than those loans and forbearances made

1 in the ordinary course of business and on terms generally
2 available to the public; ~~7~~ reward; employment or promise of
3 future employment; ~~7~~ or honoraria; a contribution to a legal
4 defense fund; or other item of monetary value.

5 "b. The term includes anything offered, provided,
6 solicited, or received either where the recipient expressly or
7 impliedly agrees to accept anything for the purpose of
8 corruptly influencing any decision, official action, or the
9 withholding of official action by the recipient in the
10 recipient's official capacity, or with the expectation that
11 the recipient will be corruptly influenced. ~~The term, thing of~~
12 ~~value, does not include any of the following, provided that no~~
13 ~~particular course of action is required as a condition to the~~
14 ~~receipt thereof:~~

15 "c. Subject to paragraph b., the term does not
16 include the following:

17 "1. Gifts or reciprocal expressions of friendship
18 offered or provided by a friend of the recipient, so long as
19 the circumstances make it clear that the gift or reciprocal
20 expression of friendship was offered or provided for reasons
21 motivated by friendship and was not offered or provided for
22 reasons related to the recipient's official position; or gifts
23 or reciprocal expressions of friendship solicited or received
24 from a friend of the recipient, so long as the circumstances
25 make it clear that the gift or reciprocal expression of
26 friendship was solicited or received for reasons motivated by
27 friendship and was not solicited or received for reasons

1 related to the recipient's official position. This exception
2 does not apply to business or professional dealings of any
3 kind. It shall be prima facie evidence that the circumstances
4 are not clear when the person offering or providing the thing
5 of value has direct and specific interests before the
6 recipient in the recipient's official capacity.

7 "2. Money or lawful United States currency offered
8 or provided in exchange for an item sold or conveyed, as long
9 as the item was sold or conveyed at fair market value and
10 under circumstances that make it clear the reasons for the
11 sale or conveyance are not related to the recipient's official
12 position. It shall be prima facie evidence that the
13 circumstances are not clear if the item is not available for
14 purchase by the general public and the sale or conveyance was
15 not conducted in the ordinary course of business.

16 "3. Prospective or actual compensation and other
17 benefits earned from an employer, vendor, client, prospective
18 employer, or other business relationship for services rendered
19 in the ordinary course of employment or business activities,
20 as long as the circumstances make it clear that the
21 compensation and other benefits are provided for reasons
22 unrelated to the recipient's official position. It shall be
23 prima facie evidence that the circumstances are not clear if
24 any of the following exist:

25 "(i) The services rendered are consulting services
26 or other similar on-demand or as-needed services, except for
27 the services of an attorney representing a client before the

1 judicial branch or a regulatory body, provided that the
2 attorney's representation of his or her client does not
3 include lobbying.

4 "(ii) The services rendered are outside the
5 recipient's field of expertise.

6 "(iii) The amount of compensation and other benefits
7 earned by the recipient are substantially different from the
8 amount of compensation and other benefits customarily earned
9 by a private citizen for the same or similar services.

10 "(iv) The employer or prospective employer has
11 direct and specific interests before the recipient in the
12 recipient's official capacity.

13 "(v) The employer or prospective employer did not
14 make the position generally available to potential recipients
15 other than the public official or public employee.

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

20 "(vii) The services are related to the recipient's
21 service as a public official or public employee.

22 "d. Subject to paragraph b., the term also does not
23 include:

24 "1. A contribution reported under Chapter 5 of Title
25 17, ~~or~~ a contribution to an inaugural or transition committee,
26 or a campaign contribution for a federal election which is
27 otherwise lawful.

1 "2. Anything ~~given~~ offered or provided by a family
2 member of the recipient under circumstances which make it
3 clear that it ~~is~~ was motivated by a family relationship or
4 anything solicited or received from a family member of the
5 recipient under circumstances that make it clear that the
6 offer, provision, solicitation, or receipt was motivated by a
7 family relationship.

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

15 ~~"4.3.~~ Greeting cards; flowers for funerals; and
16 other items, ~~services~~ with little intrinsic value which are
17 intended solely for presentation, such as plaques,
18 certificates, and trophies; promotional items commonly
19 distributed to the general public; and items ~~or services~~ of
20 de minimis value.

21 ~~"5.4.~~ Loans from banks and other financial
22 institutions made in the ordinary course of business on terms
23 generally available to the public.

24 ~~"6.5.~~ Opportunities and benefits, including
25 favorable rates and commercial discounts, available to the
26 public or to a class consisting of all government employees.

1 ~~"7.6.~~ Rewards and prizes given to competitors in
2 contests or events, including random drawings, which are open
3 to the entire class of people invited to an educational
4 function or to the public.

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

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

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

20 ~~"11.7.~~ Any assistance provided or rendered in
21 connection with a safety or a health emergency.

22 ~~"12.8.~~ Payment of or reimbursement for actual and
23 necessary transportation and lodging expenses, as well as
24 waiver of registration fees and similar costs, to facilitate
25 the attendance of a public official or public employee, and
26 the spouse of the public official or public employee, at an
27 educational function or widely attended event of which the

1 person is a ~~primary~~ sponsor. This exclusion applies only if
2 any of the following occur:

3 "(i) The ~~the~~ public official or public employee
4 meaningfully participates in the event as a speaker or a panel
5 participant, by presenting information related to his or her
6 agency or matters pending before his or her agency., ~~or by~~
7 ~~performing~~

8 "(ii) The public official or public employee
9 performs a ceremonial function appropriate to his or her
10 official position., ~~or if the~~

11 "(iii) The public official's or public employee's
12 attendance at the event is appropriate to the performance of
13 his or her official duties or representative function.

14 "~~13.9.~~ Payment of, or reimbursement for, actual and
15 necessary transportation and lodging expenses to facilitate a
16 public official's or public employee's participation in an
17 economic development function.

18 "~~14.10.~~ Hospitality, meals, and other food and
19 beverages provided to a public official or public employee,
20 and the spouse of the public official or public employee, as
21 an integral part of an educational function, economic
22 development function, work session, or widely attended event,
23 such as a luncheon, banquet, or reception hosted by a civic
24 club, chamber of commerce, charitable or educational
25 organization, or trade or professional association.

1 ~~"15.11.~~ Any function or activity pre-certified by
2 the ~~Director~~ director of the ~~Ethics Commission~~ commission as
3 a function that meets any of the above criteria.

4 ~~"16.12.~~ Meals and other food and beverages provided
5 to a public official or public employee in a setting other
6 than any of the above functions not to exceed for a lobbyist
7 or a principal twenty-five dollars (\$25) per meal with a limit
8 of one hundred fifty dollars (\$150) per year; and not to
9 exceed for a principal fifty dollars (\$50) per meal with a
10 limit of two hundred fifty dollars (\$250) per year. For
11 purposes of this subparagraph, if a principal is a business,
12 the limit applies regardless of how many persons at that
13 business qualify as principals. A business that is a principal
14 and any person within that business who qualifies as a
15 principal by virtue of his or her position within that
16 business may not aggregate or stack his or her spending limit
17 to avoid the limitation in this subparagraph. Any spending by
18 a lobbyist counts toward his or her own limit, whether or not
19 the principal reimburses the lobbyist. A person employed by a
20 principal, who is not himself or herself a principal or a
21 lobbyist, is not limited by this subparagraph unless the
22 principal is directly or indirectly acting through the person
23 to avoid the limits in this subparagraph. Notwithstanding the
24 foregoing, the lobbyist's limits herein shall not count
25 against the principal's limits and likewise, the principal's
26 limits shall not count against the lobbyist's limits.

1 ~~"17.13.~~ Anything either (i) provided by an
2 association or organization to which the state or, in the case
3 of a local government official or employee, the local
4 government pays annual dues as a membership requirement or
5 (ii) provided by an association or organization to a public
6 official who is a member of the association or organization
7 and, as a result of his or her service to the association or
8 organization, is deemed to be a public official. Further
9 included in this exception is payment of reasonable
10 compensation by a professional or local government association
11 or corporation to a public official who is also an elected
12 officer or director of the professional or local government
13 association or corporation for services actually provided to
14 the association or corporation in his or her capacity as an
15 officer or director.

16 ~~"18.14.~~ Any benefit received as a discount on
17 accommodations, when the discount is given to the public
18 official because the public official is a member of an
19 organization or association whose entire membership receives
20 the discount.

21 "15. Any tax-deductible contribution, charitable
22 donation, or other donation to a charity or other non-profit,
23 except where the public official, public employee, or family
24 member of the public official or public employee benefits
25 financially, directly or indirectly, from the donation or
26 contribution.

1 "16. Prospective or actual compensation and other
2 benefits earned by a public official or public employee in his
3 or her official capacity and as provided by law.

4 "17. A ticket or pass to an entertainment, social,
5 or sporting event bought or purchased with money or lawful
6 United States currency by a public official or public employee
7 at the face value printed on the ticket.

8 "18. An item bought or purchased with money or
9 lawful United States currency by a public official or public
10 employee at a fair market value.

11 "19. Anything that is solicited, received, offered,
12 or provided by a governmental entity or an entity created by a
13 governmental entity to support the governmental entity or
14 secured by a governmental entity under contract, provided that
15 the thing solicited, received, offered, or provided is
16 reasonably related to the performance of the recipient's
17 official duties or the administration of the recipient's
18 public office. This exception does not include tickets to a
19 sporting event offered by an educational institution to anyone
20 other than faculty, staff, or administration of the
21 institution.

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

1 "f. Nothing in this subdivision shall be construed
2 as shifting the burden of proof in a criminal case to the
3 defendant.

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

8 ~~"(36)~~(46) WIDELY ATTENDED EVENT. A gathering,
9 dinner, reception, or other event of mutual interest to a
10 number of parties at which it is reasonably expected that ~~more~~
11 ~~than 12~~ a significant number of persons ~~individuals~~ will
12 attend, ~~and~~ that the persons ~~individuals~~ present will have
13 with a diversity of views or interests, and that the event's
14 activities will be integral to the event and not merely
15 collateral to the event present. The commission shall develop,
16 adopt, and implement, pursuant to administrative rule, the
17 criteria for widely attended events.

18 "§36-25-2.

19 "(a) All provisions of this chapter shall be
20 interpreted consistent with the following provisions, which
21 the ~~The~~ Legislature hereby finds and declares:

22 "(1) ~~It is essential to the~~ The proper operation of
23 democratic government requires that public officials be
24 independent, ~~and~~ impartial, and responsible to the people.

25 "(2) Governmental decisions and policy should be
26 made in the proper channels of the governmental structure.

1 "(3) No public office should be used for personal or
2 private gain other than the ~~remuneration~~ compensation provided
3 by law.

4 "~~It is important that there be public~~ Public
5 confidence in the integrity of government is essential.

6 "(5) A conflict of interest between the private
7 interests of a public official or a public employee and the
8 duties of the public official or public employee impairs the
9 attainment of the ends set forth in this subsection. ~~The~~
10 ~~attainment of one or more of the ends set forth in this~~
11 ~~subsection is impaired whenever there exists a conflict of~~
12 ~~interest between the private interests of a public official or~~
13 ~~a public employee and the duties of the public official or~~
14 ~~public employee.~~

15 "(6) The public interest requires that the law
16 protect against such conflicts of interest and establish
17 appropriate ethical standards with respect to the conduct of
18 public officials and public employees in situations where
19 conflicts exist.

20 "(7) The proper operation of government also
21 requires that those best qualified be encouraged to serve in
22 government.

23 "(8) Accordingly, legal safeguards against conflicts
24 of interest shall be so designed as to not unnecessarily or
25 unreasonably impede the service of those persons who are
26 elected or appointed to a position of public trust.

1 "(9) Although public officials and public employees
2 should not be denied the opportunity, available to all other
3 citizens, to acquire and retain private economic and other
4 interests, conflicts between those interests and public
5 officials' and public employees' responsibility to the public
6 must be avoided.

7 "(10) The operation of responsible democratic
8 government also requires that the fullest opportunity be
9 afforded to the people to petition their government for the
10 redress of grievances and to express freely to the legislative
11 bodies and to officials of the Executive Branch their opinions
12 on legislation, on pending governmental actions, and on
13 current issues.

14 "(11) To preserve and maintain the integrity of the
15 legislative and administrative processes, it is necessary that
16 the identity, expenditures, and activities of certain persons
17 who engage in efforts to persuade members of the legislative
18 bodies or members of the Executive Branch to take specific
19 actions, either by direct communication to these officials, or
20 by solicitation of others to engage in such efforts, be
21 publicly and regularly disclosed.

22 "(b) The Legislature declares that it is the policy
23 and purpose of this chapter to implement these objectives of
24 protecting the integrity of all governmental units of this
25 state and of facilitating the service of qualified personnel
26 by prescribing essential restrictions against conflicts of
27 interest in public service without creating unnecessary

1 ~~barriers thereto. It is also essential to the proper operation~~
2 ~~of government that those best qualified be encouraged to serve~~
3 ~~in government. Accordingly, legal safeguards against conflicts~~
4 ~~of interest shall be so designed as not to unnecessarily or~~
5 ~~unreasonably impede the service of those men and women who are~~
6 ~~elected or appointed to do so. An essential principle~~
7 ~~underlying the staffing of our governmental structure is that~~
8 ~~its public officials and public employees should not be denied~~
9 ~~the opportunity, available to all other citizens, to acquire~~
10 ~~and retain private economic and other interests, except where~~
11 ~~conflicts with the responsibility of public officials and~~
12 ~~public employees to the public cannot be avoided.~~

13 ~~"(c) This chapter shall be liberally construed to~~
14 ~~promote complete disclosure of all relevant information, to~~
15 ~~ensure that the public interest is fully protected, and to~~
16 ~~discourage corrupt practices by those in public service. The~~
17 ~~Legislature declares that the operation of responsible~~
18 ~~democratic government requires that the fullest opportunity be~~
19 ~~afforded to the people to petition their government for the~~
20 ~~redress of grievances and to express freely to the legislative~~
21 ~~bodies and to officials of the Executive Branch, their~~
22 ~~opinions on legislation, on pending governmental actions, and~~
23 ~~on current issues. To preserve and maintain the integrity of~~
24 ~~the legislative and administrative processes, it is necessary~~
25 ~~that the identity, expenditures, and activities of certain~~
26 ~~persons who engage in efforts to persuade members of the~~
27 ~~legislative bodies or members of the Executive Branch to take~~

1 ~~specific actions, either by direct communication to these~~
2 ~~officials, or by solicitation of others to engage in such~~
3 ~~efforts, be publicly and regularly disclosed. This chapter~~
4 ~~shall be liberally construed to promote complete disclosure of~~
5 ~~all relevant information and to insure that the public~~
6 ~~interest is fully protected.~~

7 ~~"(d) It is the policy and purpose of this chapter to~~
8 ~~implement these objectives of protecting the integrity of all~~
9 ~~governmental units of this state and of facilitating the~~
10 ~~service of qualified personnel by prescribing essential~~
11 ~~restrictions against conflicts of interest in public service~~
12 ~~without creating unnecessary barriers thereto.~~

13 "§36-25-3.

14 "(a) There is hereby created a State Ethics
15 Commission composed of five members, each of whom shall be a
16 fair, equitable citizen of this state and of high moral
17 character and ability. The following persons shall not be
18 eligible to be appointed as members: (1) a public official;
19 (2) a candidate; (3) a registered lobbyist and his or her
20 principal; or (4) a former employee of the commission. No
21 member of the commission shall be eligible for reappointment
22 to succeed himself or herself. The members of the commission
23 shall be appointed by the following officers: The Governor;7
24 the Lieutenant Governor, or in the absence of a Lieutenant
25 Governor, the Presiding Officer of the Senate;7 and the
26 Speaker of the House of Representatives. Appointments shall be
27 subject to Senate confirmation and persons appointed shall

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

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

22 "Beginning with the first vacancy on the ~~State~~
23 ~~Ethics Commission~~ commission after January 1, 2011, the
24 commission shall always have as a member a State of
25 Alabama-licensed attorney in good standing.

26 "Beginning with the first vacancy on the ~~State~~
27 ~~Ethics Commission~~ commission after January 1, 2016, the

1 commission shall always have as a member a former elected
2 public official who served at least two terms of office.

3 "(b) A vacancy in the commission shall not impair
4 the right of the remaining members to exercise all the powers
5 of the commission, and three members thereof shall constitute
6 a quorum.

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

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

1 "(e) All members, officers, agents, attorneys, and
2 employees of the commission shall be subject to this chapter.
3 The director, members of the commission, and all employees of
4 the commission may not engage in partisan political activity,
5 including the making of campaign contributions, on the state,
6 county, and local levels. The prohibition shall in no way act
7 to limit or restrict such persons' ability to vote in any
8 election.

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

1 by the director until adopted by the commission in accordance
2 with Sections 41-22-1 to 41-22-27, inclusive, the Alabama
3 Administrative Procedure Act.

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

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

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

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

16 Section 2. Sections 36-25-3.1, 36-25-3.2, and
17 36-25-3.3 are added to the Code of Alabama 1975, to read as
18 follows:

19 §36-25-3.1.

20 (a) An employee of an educational institution is not
21 subject to Section 36-25-5.1, Section 36-25-14, and Section
22 36-25-23.

23 (b) For purposes of this section, an "employee of an
24 educational institution" means a public employee employed by a
25 pre-school, elementary school, middle or junior high school,
26 high school, kindergarten through twelfth grade educational
27 institution, or other secondary school, or a public employee

1 employed as a coach or subordinate of a coach of an athletic
2 team of any institution of higher education that receives
3 state funds. The term does not include persons identified in
4 Subdivisions (8) and (9) of subsection (a) of Section 36-25-14
5 or a public employee that is also a public official.

6 (c) Notwithstanding Sections 36-25-5.1 and 36-25-23,
7 a full-time public employee employed by a university,
8 institution of higher education that receives state funds,
9 community college, or other post-secondary educational
10 institution, may perform fundraising activities in his or her
11 official duties as a public employee or board of trustees
12 member.

13 (d) A member of a board of trustees of an
14 institution described in subsection (c) is not subject to
15 Section 36-25-14. Notwithstanding Sections 36-25-5.1 and
16 36-25-23, a board of trustees member may perform fundraising
17 activities in his or her official duties as a board of
18 trustees member.

19 §36-25-3.2.

20 (a) Except for persons occupying a chief or deputy
21 chief position, a law enforcement officer or a first-responder
22 employee who is not otherwise a public official is not subject
23 to Section 36-25-5.1, Section 36-25-14, or Section 36-25-23.

24 (b) For purposes of this section, a "first-responder
25 employee" means a public employee employed as a full-time
26 firefighter, emergency medical technician, certified first

1 responder, emergency medical responder, medical first
2 responder, or paramedic.

3 §36-25-3.3.

4 (a) Notwithstanding Section 36-25-1(b)(45)d., the
5 caucuses of each state political party, as defined in Section
6 17-13-40, in the Senate of Alabama or the House of
7 Representatives of Alabama may solicit or receive meals and
8 other food and beverages from a lobbyist, subordinate of a
9 lobbyist, or principal, so long as all of the following
10 requirements are met:

11 (1) The items are provided during an event where a
12 majority of the caucus members are present.

13 (2) The event occurs while the Legislature is in
14 session.

15 (3) The event occurs within the geographical limits
16 of Montgomery County, Alabama.

17 (4) The fair market value of the items does not
18 exceed twenty five dollars (\$25) per caucus member for each
19 event, with a yearly limit of two hundred and fifty dollars
20 (\$250) per caucus member.

21 (5) An integral part of the event involves
22 presenting information by the lobbyist, a subordinate of a
23 lobbyist, or a principal related to matters pending before
24 members of the caucus in their official capacities.

25 (b) Notwithstanding Section 36-25-1(b)(45)d., a
26 lobbyist, subordinate of a lobbyist, or principal may offer or
27 provide the items referenced in subsection (a), so long as the

1 criteria set forth in subdivisions (a)(1) through (a)(5) are
2 satisfied.

3 (c) For purposes of this section, if a principal is
4 a business, this limit applies regardless of how many persons
5 at that business qualify as principals. A business that is a
6 principal and any persons within that business who qualify as
7 principals by virtue of their position within that business
8 may not aggregate or stack their spending limit to avoid the
9 limitations in this subsection. Any spending by a lobbyist
10 counts toward his or her own limit, whether or not the
11 principal reimburses the lobbyist. A person employed by a
12 principal, who is not himself or herself a principal or a
13 lobbyist, is not limited by this subsection unless the
14 principal is directly or indirectly acting through the person
15 to avoid the limits in this section.

16 (d) The lobbyist or principal shall report any
17 expenditure pursuant to this section to the commission
18 including the date, time, and location of the event; the name
19 of the caucus; the members of the caucus who attended the
20 event; the total amount paid for the items; and a general
21 description of the information provided by the lobbyist,
22 subordinate of the lobbyist, or principal. Such report shall
23 be made a public record and shall be filed no later than the
24 end of the month following the month in which the event was
25 held.

26 Section 3. Section 36-25-4 and 36-25-4.2, Code of
27 Alabama 1975, are amended to read as follows:

1 "§36-25-4.

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

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

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

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

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

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

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

1 receiving and retaining any documents pursuant to existing
2 law.

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

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

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

1 liability to the state, a county, or a municipal subdivision
2 of the state because of any action performed or action
3 refrained from in reliance ~~of~~ on the advisory opinion. Nothing
4 in this section shall be deemed to protect any person relying
5 on the advisory opinion if the reliance is not in good faith,
6 is not reasonable, or is not in a materially like
7 circumstance. The commission may impose reasonable charges for
8 publication of the advisory opinions, and monies shall be
9 collected, deposited, dispensed, or retained as provided
10 herein. ~~On October 1, 1995,~~ Further, the director or general
11 counsel of the commission may provide informal advice or
12 guidance to a public official or public employee at the
13 request of the public official or public employee only if a
14 previous formal written opinion of the commission applies to
15 the request on its face. Such informal advice or guidance
16 shall be in writing. The commission, by rule, shall develop
17 and implement a written questionnaire form for the purpose of
18 facilitating the good faith disclosure of all material facts
19 by requestors seeking formal or informal opinions. Before a
20 formal or informal opinion may be issued by the commission, an
21 affidavit or other statement under oath must be submitted by
22 the requestor which certifies that, to the best of the
23 requestor's knowledge, all material facts have been fully
24 disclosed and are true and accurate. On the effective date of
25 the act adding this amendatory language, all prior advisory
26 opinions of the commission in conflict with this chapter,
27 shall be ineffective and thereby deemed invalid and otherwise

1 ~~overruled. unless there has been any action performed or~~
2 ~~action refrained from~~ Notwithstanding the foregoing, a prior
3 opinion in conflict with this chapter is effective with
4 respect to a person who has taken or refrained from any action
5 in reliance ~~of~~ on ~~a prior advisory~~ the opinion.

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

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

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

18 "(1) Approve all forms required by the Fair Campaign
19 Practices Act.

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

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

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

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

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

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

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

22 "(9) Make investigations with respect to statements
23 filed pursuant to the Fair Campaign Practices Act, and with
24 respect to alleged failures to file, or omissions contained
25 therein, any statement required pursuant to the Fair Campaign
26 Practices Act and, upon complaint by any ~~individual~~ person,
27 with respect to alleged violation of any part of that act to

1 the extent authorized by law. When in its opinion a thorough
2 audit of any person or any business should be made in order to
3 determine whether the Fair Campaign Practices Act has been
4 violated, the commission ~~shall~~ may 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 "(10) Issue and publish advisory opinions on the
9 requirements of the Fair Campaign Practices Act, based on a
10 real or hypothetical set of circumstances. Such advisory
11 opinions shall be adopted by a majority vote of the members of
12 the commission present and shall be effective and deemed valid
13 until expressly overruled or altered by the commission or a
14 court of competent jurisdiction. The written advisory opinions
15 of the commission shall protect the person at whose request
16 the opinion was issued and any other person reasonably
17 relying, in good faith, on the advisory opinion in a
18 materially like circumstance from liability of any kind
19 because of any action performed or action refrained from in
20 reliance ~~of~~ on the advisory opinion. Nothing in this section
21 shall be deemed to protect any person relying on the advisory
22 opinion if the reliance is not in good faith, is not
23 reasonable, or is not in a materially like circumstance. The
24 director or general counsel of the commission may provide
25 informal advice or guidance to a public official or public
26 employee at the request of the public official or public
27 employee only if a previous formal written opinion of the

1 commission applies to the request on its face. Such informal
2 advice or guidance shall be in writing. The commission, by
3 rule, shall develop and implement a written questionnaire form
4 for the purpose of facilitating the good faith disclosure of
5 all material facts by requestors seeking formal or informal
6 opinions. Before a formal or informal opinion may be issued by
7 the commission, an affidavit or other statement under oath
8 must be submitted by the requestor which certifies that, to
9 the best of the requestor's knowledge, all material facts have
10 been fully disclosed and are true and accurate. On the
11 effective date of the act adding this amendatory language, all
12 prior advisory opinions of the commission in conflict with
13 Chapter 5 of Title 17 shall be ineffective and thereby deemed
14 invalid and otherwise overruled. Notwithstanding the
15 foregoing, a prior advisory opinion in conflict with Chapter 5
16 of Title 17 is effective with respect to a person who has
17 taken or refrained from any action in reliance on the opinion.
18 The commission may impose reasonable charges for publication
19 of the advisory opinions and monies shall be collected,
20 deposited, dispensed, or retained as provided herein.

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

25 "(c) (1) The commission may disclose or provide to
26 the Attorney General or a district attorney any information or
27 evidence concerning the investigation of any complaint

1 initiated in accordance with this chapter. All disclosures
2 pursuant to this subsection shall be subject to the
3 restrictions set forth in subdivision (2).

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

26 "(3) Notwithstanding any provision in the Alabama
27 Rules of Criminal Procedure, any and all of the commission's

1 law enforcement investigative reports; related investigative
2 material; records; field notes; witness statements or
3 prospective witness statements; memoranda; witness lists;
4 communications among or between the commission or its staff
5 and any law enforcement officer or agency or any prosecutor;
6 and other investigative writings or recordings, in connection
7 with the investigation or prosecution of a matter are
8 privileged communications protected from disclosure, except
9 where the material is requested by the Attorney General or
10 district attorney or is subpoenaed by a state or federal grand
11 jury. Nothing in this subdivision shall be construed to limit
12 the discovery of exculpatory material or other material to
13 which a defendant in a criminal case is entitled under
14 constitutional provisions.

15 "(d) The commission shall not take any investigatory
16 action on a telephonic or written complaint against a
17 respondent so long as the complainant remains anonymous.
18 Investigatory action on a complaint from an identifiable
19 source shall not be initiated until the true identity of the
20 source has been ascertained and written verification of such
21 ascertainment is in the commission's files. The complaint may
22 only be filed by a person who has ~~or persons who have~~ credible
23 and verifiable information supporting the allegations
24 contained in the complaint. A complainant may not file a
25 complaint for another person ~~or persons~~ in order to circumvent
26 this subsection. Before ~~Prior to~~ commencing any investigation,
27 the commission shall: (1) receive a written and signed

1 complaint which sets forth in detail the specific charges
2 against a respondent, and the factual allegations which
3 support such charges; and (2) the director shall conduct a
4 preliminary inquiry in order to make an initial determination
5 that the complaint, on its face alleges facts which if true,
6 would constitute a violation of this chapter or the Fair
7 Campaign Practices Act and that reasonable cause exists to
8 conduct an investigation. If the director determines that the
9 complaint does not allege a violation or that reasonable cause
10 does not exist, the charges shall be dismissed, but such
11 action must be reported to the commission. The commission
12 shall be entitled to authorize an investigation upon written
13 consent of four commission members, upon an express finding
14 that probable cause exists that a violation or violations of
15 this chapter or the Fair Campaign Practices Act have occurred.
16 Upon the commencement of any investigation, the Alabama Rules
17 of Criminal Procedure as applicable to the grand jury process
18 promulgated by the Alabama Supreme Court shall apply and shall
19 remain in effect until the complaint is dismissed or disposed
20 of in some other manner. A complaint may be initiated by a
21 vote of four members of the commission, provided, however,
22 that the commission shall not conduct the hearing, but rather
23 the hearing shall be conducted by three active or retired
24 judges, who shall be appointed by the Chief Justice of the
25 Alabama Supreme Court, at least one of whom shall be Black.
26 The three-judge panel shall conduct the hearing in accordance
27 with the procedures contained in this chapter and in

1 accordance with the rules of the commission. If the
2 three-judge panel unanimously finds that a person covered by
3 this chapter has violated it or that the person covered by the
4 Fair Campaign Practices Act has violated that act, the
5 three-judge panel shall forward the case to the district
6 attorney for the jurisdiction in which the alleged acts
7 occurred or to the Attorney General. In all matters that come
8 before the commission concerning a complaint on a person ~~an~~
9 ~~individual~~, the laws of due process shall apply.

10 "(e) Not less than 45 days before ~~prior to~~ any
11 hearing before the commission, the respondent shall be given
12 notice that a complaint has been filed against him or her and
13 shall be given a summary of the charges contained therein.
14 Upon the timely request of the respondent, a continuance of
15 the hearing for not less than 30 days shall be granted for
16 good cause shown. The respondent charged in the complaint
17 shall have the right to be represented by retained legal
18 counsel. The commission may not require the respondent to be a
19 witness against himself or herself.

20 "(f) The commission shall provide discovery to the
21 respondent pursuant to the Alabama Rules of Criminal Procedure
22 as promulgated by the Alabama Supreme Court.

23 "(g) (1) All fees, penalties, and fines collected by
24 the commission pursuant to this chapter shall be deposited
25 into the State General Fund.

26 "(2) All monies collected as reasonable payment of
27 costs for copying, reproductions, publications, and lists

1 shall be deemed a refund against disbursement and shall be
2 deposited into the appropriate fund account for the use of the
3 commission.

4 "(h) In the course of an investigation, the
5 commission may subpoena witnesses and compel their attendance
6 and may also require the production of books, papers,
7 documents, and other evidence. If any person fails to comply
8 with any subpoena lawfully issued, or if any witness refuses
9 to produce evidence or to testify as to any matter relevant to
10 the investigation, it shall be the duty of any court of
11 competent jurisdiction or the judge thereof, upon the
12 application of the director, to compel obedience upon penalty
13 for contempt, as in the case of disobedience of a subpoena
14 issued for such court or a refusal to testify therein. A
15 subpoena may be issued only upon the vote of four members of
16 the commission upon the express written request of the
17 director. The subpoena shall be subject to Rules 17.1, 17.2,
18 17.3, and 17.4 of the Alabama Rules of Criminal Procedure. The
19 commission upon seeking issuance of the subpoena shall serve a
20 notice to the recipient of the intent to serve such subpoena.
21 ~~Upon the expiration of 10 days from the service of the notice~~
22 ~~and the~~ The proposed subpoena shall be attached to the notice.
23 Any person or entity served with a subpoena may serve an
24 objection to the issuance of the subpoena within 10 days after
25 service of the notice on the grounds set forth under Rule
26 17.3(c) of the Alabama Rules of Criminal Procedure, and in
27 such event the subpoena shall not issue until an order to

1 dismiss, modify, or issue the subpoena is entered by a state
2 court of proper jurisdiction, the order to be entered within
3 30 days after making of the objection. Any vote taken by the
4 members of the commission relative to the issuance of a
5 subpoena shall be protected by and subject to the restrictions
6 relating to secrecy and nondisclosure of information,
7 conversation, knowledge, or evidence of Sections 12-16-214 to
8 12-16-216, inclusive.

9 "(i) After receiving or initiating a complaint, the
10 commission has 180 days to determine whether probable cause
11 exists. At the expiration of 180 days from the date of receipt
12 or commencement of a complaint, if the commission does not
13 find probable cause, the complaint shall be deemed dismissed
14 and cannot be reinstated based on the same facts alleged in
15 the complaint. Upon good cause shown from the general counsel
16 and chief investigator, the director may request from the
17 commission a one-time extension of 180 days. Upon the majority
18 vote of the commission, the staff may be granted a one-time
19 extension of 180 days in which to complete the investigation.
20 If the commission finds probable cause that a person covered
21 by this chapter has violated it or that the person covered by
22 the Fair Campaign Practices Act has violated that act, the
23 case and the commission's findings shall be forwarded to the
24 district attorney for the jurisdiction in which the alleged
25 acts occurred or to the Attorney General. ~~The case, along with~~
26 ~~the commission's findings, shall be referred for appropriate~~
27 ~~legal action.~~ Nothing in this section shall be deemed to limit

1 the commission's ability to take appropriate legal action when
2 so requested by the district attorney for the appropriate
3 jurisdiction or by the Attorney General.

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

19 "§36-25-4.2.

20 "(a) At the beginning of each legislative
21 quadrennium, the ~~State Ethics Commission~~ commission shall
22 provide for and administer training programs on the State
23 Ethics Law, in the format determined by the director, for
24 members of the Legislature, state constitutional officers,
25 cabinet officers, executive staff, municipal mayors, council
26 members and commissioners, county commissioners, and
27 lobbyists.

1 "(1) The training program for legislators shall be
2 held at least once at the beginning of each quadrennium for
3 members of the Legislature. An additional training program
4 shall be held if any substantial changes are made to this
5 chapter, and shall be held within three months of the
6 effective date of the changes. The time and place of the
7 training programs shall be determined by the ~~Executive~~
8 ~~Director~~ director of the ~~State Ethics Commission~~ commission
9 and the Legislative Council. Each legislator must attend the
10 training programs. The ~~State Ethics Commission~~ commission
11 shall also provide a mandatory program for any legislator
12 elected in a special election within three months of the date
13 that the legislator assumes office in the format determined by
14 the director.

15 "(2) The training program for the state
16 constitutional officers, cabinet members, and executive staff,
17 as determined by the Governor, shall be held within the first
18 30 days after the Governor has been sworn into office. An
19 additional training program shall be held if any changes are
20 made to this chapter, and shall be held within three months of
21 the effective date of the changes. The specific date of the
22 training program shall be established by the ~~Executive~~
23 ~~Director~~ director of the ~~State Ethics Commission~~ commission
24 with the advice of the Governor and other constitutional
25 officers.

26 "(3) The training program for lobbyists shall be
27 held four times annually as designated by the ~~Executive~~

1 ~~Director~~ director of the ~~State Ethics Commission~~ commission,
2 the first of which shall be held within the first 30 days of
3 the year. Each lobbyist must attend a training program within
4 90 days of registering as a lobbyist~~.,~~ and at least one
5 training program during the first calendar year of each
6 legislative quadrennium. A lobbyist who fails to attend a
7 training ~~program~~ required by this section shall not be allowed
8 to lobby the Legislature, Executive Branch, Judicial Branch,
9 public officials, or public employees. ~~After attending one~~
10 ~~training program,~~ until that lobbyist re-registers with the
11 commission and attends a training program within 90 days after
12 re-registering. Except for the mandatory initial and
13 quadrennial training programs set forth in this subdivision, a
14 lobbyist shall not be required to attend an additional
15 training program unless any substantial changes are made to
16 this chapter. Such additional ~~mandatory~~ training program shall
17 be mandatory and shall be held within three months of the
18 effective date of the changes. Notwithstanding the provisions
19 of this chapter, the director may permit any lobbyist, in lieu
20 of physical attendance for a training program, to attend
21 virtually, online, or through a webinar.

22 "(4) All municipal mayors, council members and
23 commissioners, county commissioners, and members of any local
24 board of education in office as of January 1, 2011, shall
25 obtain training within 120 days of that date. Thereafter, all
26 municipal mayors, council members and commissioners, and
27 county commissioners shall obtain training within 120 days of

1 being sworn into office. Training shall be available online
2 and may be conducted either online or in person. Evidence of
3 completion of the training shall be provided to the commission
4 via an electronic reporting system provided on the official
5 website. The scheduling of training opportunities for
6 municipal mayors, council members and commissioners, and
7 county commissioners shall be established by the ~~Executive~~
8 ~~Director~~ director of the ~~State Ethics Commission~~ commission
9 with the advice and assistance of the Alabama League of
10 Municipalities and the Association of County Commissions of
11 Alabama. Any provision of this section to the contrary
12 notwithstanding, the training for county commissioners
13 required by this subdivision shall be satisfied by the
14 successful completion of the 10-hour course on ethical
15 requirements of public officials provided by the Alabama Local
16 Government Training Institute established pursuant to Article
17 2 of Chapter 3 of Title 11. The Alabama Local Government
18 Training Institute shall quarterly provide written notice to
19 the ~~State Ethics Commission~~ commission the names of those
20 county commissioners completing the institute's program.

21 " (b) The curriculum of each session and faculty for
22 the training program shall be determined by the ~~Executive~~
23 ~~Director~~ director of the ~~State Ethics Commission~~ commission.
24 The curriculum shall include, but not be limited to, a review
25 of the current law, a discussion of actual cases and advisory
26 opinions on which the ~~State Ethics Commission~~ commission has
27 ruled, and a question and answer period for attendees. The

1 faculty for the training program may include the staff of the
2 ~~State Ethics Commission~~ commission, members of the faculties
3 of the various law schools in the state, and other persons
4 deemed appropriate by the ~~Executive Director~~ director of the
5 ~~State Ethics Commission~~ commission, ~~and shall include~~ experts
6 in the field of ethics law, persons affected by the ethics
7 law, and members of the press and media.

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

11 "(d) This section shall not preclude the penalizing,
12 prosecution, or conviction of any member of the Legislature,
13 any public official, or public employee ~~prior to~~ before such
14 person attending a mandatory training program.

15 "(e) All public employees required to file the
16 Statement of Economic Interests required by Section 36-25-14,
17 no later than May 1, 2011, shall participate in an online
18 educational review of the Alabama Ethics Law provided on the
19 official website of the commission. Employees hired after
20 January 1, 2011, shall have 90 days to comply with this
21 subsection. Evidence of completion of the educational review
22 shall be provided to the commission via an electronic
23 reporting system provided on the official website."

24 Section 4. Section 36-25-4.4 is added to the Code of
25 Alabama 1975, to read as follows:

26 §36-25-4.4

1 (a) A public official or public employee may file
2 with the commission a written request to form a legal defense
3 fund. The request shall contain all of the following:

4 (1) The name, street address, telephone number, and
5 public office or public position of the public official or
6 public employee who is the beneficiary of the legal defense
7 fund.

8 (2) The name, street address, and telephone number
9 of the person designated as the treasurer of the legal defense
10 fund. The treasurer of the legal defense fund may not be the
11 public official or public employee or an attorney who
12 represents the public official or public employee.

13 (3) A sworn statement of the public official or
14 public employee verifying that he or she is a person under
15 investigation for a violation of this chapter, or Chapter 5 of
16 Title 17, has been arrested or indicted for a violation of
17 this chapter or Chapter 5 of Title 17, is the subject of a
18 pending complaint filed with the commission, or is the subject
19 of a matter which has been referred by the commission to the
20 Attorney General or a district attorney.

21 (4) The name, street address, and telephone number
22 of the legal defense fund. The name of the legal defense fund
23 shall include the words "legal defense fund" and the full name
24 of the public employee or public official who is the
25 beneficiary of the legal defense fund.

26 (b) The director shall approve the request to form a
27 legal defense fund upon receipt of information that satisfies

1 all the requirements of subsection (a). The commission shall
2 require a statement of organization to be filed with the
3 commission within ten days of approval of the request. The
4 statement of organization shall contain the information in
5 subsection (a) and is a public record.

6 (c) If any of the information required in a
7 statement of organization under this section changes, the
8 legal defense fund shall file an amended statement of
9 organization containing the updated information within ten
10 days.

11 (d) When a legal defense fund is dissolved, the
12 public employee or public official shall file a statement of
13 dissolution with the commission and shall return any
14 unexpended funds pro rata to the contributors of the funds or
15 forward the unexpended funds to the State Treasurer for
16 deposit into the state General Fund. A legal defense fund is
17 dissolved by operation of law upon the conclusion of any of
18 the matters set forth in subdivision (a)(3), upon expiration
19 of the time for filing a notice of appeal of a conviction, or,
20 if an appeal is taken from the judgment of conviction, the
21 completion of the person's direct appeal.

22 (e) The treasurer of a legal defense fund shall file
23 a monthly report with the commission. The report is a public
24 record and shall contain the following information:

25 (1) All contributions received by the fund for the
26 preceding month; the name, address, and telephone number of
27 any contributor; the amount of the contribution; the date on

1 which the contribution was made; the cumulative amount
2 contributed by that contributor; and the contributor's
3 occupation, employer, and principal place of business.

4 (2) All expenditures of the fund for the preceding
5 month; the name, address, and telephone number of the person
6 or business to whom the expenditure was made; the amount of
7 the expenditure; the date of the expenditure; and the purpose
8 of the expenditure.

9 (f) No public official, public employee, or any
10 other person or business may solicit or receive a contribution
11 for the purpose of defending the public official or public
12 employee in a matter in which the public official or public
13 employee is a person under investigation for a violation of
14 this chapter or Chapter 5 of Title 17; has been arrested or
15 indicted for a violation of this chapter or Chapter 5 of Title
16 17; is the subject of a pending complaint filed with the
17 commission; or is the subject of a matter which has been
18 referred by the commission to the Attorney General or a
19 district attorney, unless the contribution is made to a legal
20 defense fund that complies with the requirements of this
21 section.

22 (g) No person or business may offer or provide an
23 anonymous contribution. The treasurer of a legal defense fund
24 may not solicit or receive an anonymous contribution. An
25 anonymous contribution to a legal defense fund shall not be
26 deposited in the fund, but shall be forwarded to the State
27 Treasurer for deposit into the State General Fund.

1 (h) (1) A lobbyist, subordinate of a lobbyist, or
2 principal may not offer or provide a contribution, directly or
3 indirectly, to any legal defense fund.

4 (2) A person or business may not solicit or receive
5 a contribution, directly or indirectly, to a legal defense
6 fund from a lobbyist, subordinate of a lobbyist, or principal.

7 (3) A person or business may not solicit or receive
8 a contribution, directly or indirectly, to a legal defense
9 fund from a principal campaign committee as defined in Section
10 17-5-2, an inaugural or transition committee, any campaign
11 account organized under Chapter 5 of Title 17, any campaign
12 account organized for a federal election, or any state or
13 federal political action committee.

14 (i) Contributions to a legal defense fund may be
15 used only for the following items or services:

16 (1) The services of an attorney representing the
17 public official or public employee in a matter in which the
18 public official or public employee is a person under
19 investigation for a violation of this chapter or Chapter 5 of
20 Title 17, has been arrested or indicted for a violation of
21 this chapter or Chapter 5 of Title 17, is the subject of a
22 pending complaint filed with the commission, or is the subject
23 of a matter which has been referred by the commission to the
24 Attorney General or a district attorney.

25 (2) The services of an expert witness, a jury
26 consultant, or other litigation support staff retained by the

1 public official or public employee in a matter specified in
2 subdivision (1).

3 (3) Any item reasonably related to providing the
4 services set forth in subdivision (1) or (2).

5 (j) Contributions to a legal defense fund may not be
6 used for any purpose other than those expressly set forth in
7 this section. Prohibited expenditures include, but are not
8 limited to, the following:

9 (1) Legal services for a public official or public
10 employee who has not received approval from the commission to
11 organize a legal defense fund.

12 (2) The services of an attorney or any other person
13 representing a witness in a criminal investigation or an
14 indicted criminal case.

15 (3) Any civil, administrative, or impeachment
16 matter.

17 (4) The services of any public relations, media, or
18 press consultants.

19 (5) Any advertising or promotional material
20 communicated by television, radio, newspaper, magazine,
21 internet, or other media.

22 (6) Any state or federal campaign activities.

23 (k) Contributions may only be made in the form of
24 money or lawful United States currency.

25 (l) Neither the attorney-client privilege nor the
26 attorney work-product doctrine applies to any information

1 related to a legal defense fund's contributions, expenditures,
2 or compliance with this section.

3 (m) The commission shall adopt rules and procedures
4 consistent with this section.

5 Section 5. Section 36-25-5, 36-25-5.1, and 36-25-7,
6 Code of Alabama 1975, are amended to read as follows:

7 "§36-25-5.

8 "(a) No public official or public employee shall
9 use, or cause to be used, his or her official position or
10 office, including his or her mantle of office, to obtain
11 personal gain for himself or herself, or his or her family
12 member ~~of the public employee or family member of the public~~
13 ~~official,~~ or any business with which the person is associated
14 unless the use and gain are otherwise specifically authorized
15 by law. Personal gain is achieved when the public official,
16 public employee, or a family member thereof receives, obtains,
17 exerts control over, or otherwise converts to personal use the
18 object constituting such personal gain.

19 "~~(b) Unless prohibited by the Constitution of~~
20 ~~Alabama of 1901, nothing herein shall be construed to prohibit~~
21 ~~a public official from introducing bills, ordinances,~~
22 ~~resolutions, or other legislative matters, serving on~~
23 ~~committees, or making statements or taking action in the~~
24 ~~exercise of his or her duties as a public official. A No~~
25 member of a legislative body may ~~not~~ vote on or participate in
26 for any legislation matter in his or her official capacity,

1 which he or she knows, l or should have known, l that he or she
2 has a conflict of interest.

3 "(c) No public official or public employee shall ~~use~~
4 misuse or cause to be ~~used~~ misused equipment, facilities,
5 time, materials, human labor, or other public property under
6 his or her discretion or control. ~~for the private benefit or~~
7 ~~business benefit of the public official, public employee, any~~
8 ~~other person, or principal campaign committee as defined in~~
9 ~~Section 17-22A-2, which would materially affect his or her~~
10 ~~financial interest, except as otherwise provided by law or as~~
11 ~~provided pursuant to a lawful employment agreement regulated~~
12 ~~by agency policy.~~ For purposes of this subsection, the term
13 "misuse" means to act with a corrupt purpose or to act in a
14 way that materially affects the financial interest of the
15 public official, public employee, the family member of the
16 public official or public employee, any business with which
17 the public official or public employee is associated, the
18 public official's or public employee's principal campaign
19 committee as defined in Section 17-5-2, or any other person or
20 business. Provided, however, nothing in this subsection shall
21 be deemed to limit or otherwise prohibit communication between
22 public officials or public employees and eleemosynary or
23 membership organizations or such organizations communicating
24 with public officials or public employees.

25 "(d) No person shall ~~solicit~~ corruptly influence a
26 public official or public employee to use, l or cause to be
27 used, l equipment, facilities, time, materials, human labor, or

1 other public property for such person's private benefit or
2 business benefit, ~~which would materially affect his or her~~
3 ~~financial interest, except as otherwise provided by law.~~

4 "(e) No public official or public employee shall,
5 ~~other than in the ordinary course of business,~~ solicit a thing
6 of value from a subordinate or person or business ~~with whom~~
7 that he or she directly inspects, regulates, or supervises in
8 his or her official capacity.

9 "(f) Nothing in this section shall be deemed to
10 limit, or otherwise prohibit, communication between public
11 officials or public employees and charitable or membership
12 organizations or such organizations communicating with public
13 officials or public employees. A conflict of interest shall
14 ~~exist when a member of a legislative body, public official, or~~
15 ~~public employee has a substantial financial interest by reason~~
16 ~~of ownership of, control of, or the exercise of power over any~~
17 ~~interest greater than five percent of the value of any~~
18 ~~corporation, company, association, or firm, partnership,~~
19 ~~proprietorship, or any other business entity of any kind or~~
20 ~~character which is uniquely affected by proposed or pending~~
21 ~~legislation; or who is an officer or director for any such~~
22 ~~corporation, company, association, or firm, partnership,~~
23 ~~proprietorship, or any other business entity of any kind or~~
24 ~~character which is uniquely affected by proposed or pending~~
25 ~~legislation.~~

26 "§36-25-5.1.

1 "(a) (1) No lobbyist, subordinate of a lobbyist, or
2 principal shall offer or provide a thing of value, directly or
3 indirectly, to a public employee, or a public official, ~~or to~~
4 a family member of the public employee, or a family member of
5 the public official.

6 "(2) ~~and no~~ No public employee, or public official,
7 ~~or family member of the public employee,~~ or family member of
8 the public official shall solicit or receive a thing of value,
9 directly or indirectly, from a lobbyist, a subordinate of a
10 lobbyist, or a principal. ~~Notwithstanding the foregoing, a~~
11 ~~lobbyist, or principal may offer or provide and a public~~
12 ~~official, public employee, or candidate may solicit or receive~~
13 ~~items of de minimis value.~~

14 "(b) Notwithstanding subsection (a), a lobbyist or
15 principal may offer or provide items of de minimis value, and
16 a public official or public employee may solicit or receive
17 items of de minimis value. ~~A lobbyist does not provide a thing~~
18 ~~of value, for purposes of this section, merely by arranging,~~
19 ~~facilitating, or coordinating with his or her principal that~~
20 ~~is providing and paying for those items.~~

21 "§36-25-7.

22 "(a) No person or business shall offer or ~~give~~
23 provide anything to a public official, or a public employee,
24 ~~or a member of the household of a public employee or a member~~
25 ~~of the household of the public official~~ a family member of a
26 public official or public employee, or a business with which a
27 public official or public employee is associated, ~~and none of~~

1 ~~the aforementioned shall solicit or receive anything for the~~
2 ~~purpose of corruptly influencing official action, or~~
3 ~~withholding of official action by the public official or~~
4 ~~public employee in his or her official capacity. regardless of~~
5 ~~whether or not the thing solicited or received is a thing of~~
6 ~~value.~~

7 "(b) No public official, public employee, family
8 member of a public official or public employee, or a business
9 with which a public official or public employee is associated
10 shall solicit or receive anything from any person or business
11 for the purpose of corruptly influencing official action or
12 withholding of official action by the public official or
13 public employee in his or her official capacity. No public
14 official or public employee shall solicit or receive anything
15 for himself or herself or for a family member of the public
16 employee or family member of the public official for the
17 purpose of corruptly influencing official action, regardless
18 of whether or not the thing solicited or received is a thing
19 of value.

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

25 "~~(d)~~ (c) ~~No public official or public employee,~~ shall
26 ~~solicit or receive any money, lawful United States currency,~~
27 ~~in addition to that received by the public official or public~~

1 ~~employee in an official capacity~~ or item of monetary value
2 from any person or business in exchange for any of the
3 following:

4 "(1) Consulting services, for advice, or assistance
5 on matters concerning the Legislature, or any committee or
6 subcommittee thereof.

7 "(2) ~~lobbying~~ Lobbying a legislative body or any
8 committee or subcommittee thereof.

9 "(3) Lobbying the Office of the Governor, including
10 any other an executive department or agency.

11 "(4) Lobbying any state, county, or municipal
12 governmental agency, board, regulatory body, governmental
13 corporation or authority, or commission.

14 "(5) Lobbying any governmental body ~~any public~~
15 ~~regulatory board, commission or other body~~ of which he or she
16 is a member.

17 "(6) Lobbying governmental departments, agencies,
18 offices, or public officials or employees of other states or
19 the Federal government.

20 "(7) Performing any other official duty or
21 responsibility of the public official or public employee.

22 "(d) Nothing in subsection (c) ~~Notwithstanding the~~
23 ~~foregoing, nothing in this section~~ shall be construed to
24 prohibit a public official or public employee ~~from~~ in the
25 performance of his or her official duties or responsibilities.
26 ~~from soliciting or receiving compensation from the State of~~
27 Alabama in an official capacity.

1 "(e) For purposes of this section, ~~to act corruptly~~
2 ~~means to act voluntarily, deliberately, and dishonestly to~~
3 ~~either accomplish an unlawful end or result or to use an~~
4 ~~unlawful method or means to accomplish an otherwise lawful end~~
5 ~~or result.~~ it shall be prima facie evidence that the thing
6 provided or received was for a corrupt purpose, or that the
7 money or item of monetary value was exchanged for the conduct
8 in subsection (c), under either of the following
9 circumstances:

10 "(1) The providing or receiving occurs within six
11 months of the decision, official action, or the withholding of
12 official action by the public official or public employee.

13 "(2) The exchange occurs within six months of the
14 conduct in subsection (c)."

15 Section 6. Section 36-25-7.1 and 36-25-7.2 are added
16 to the Code of Alabama 1975, to read as follows:

17 §36-25-7.1.

18 No member of the Legislature, for a fee, reward, or
19 other compensation in addition to that received in his or her
20 official capacity, shall represent any person or business
21 before the Office of Governor of the State of Alabama or any
22 other executive department or agency.

23 §36-25-7.2.

24 (a) A person commits the crime of extortion of a
25 public official or public employee if he or she, by use of a
26 threat, attempts to corruptly influence the vote, opinion,

1 judgment, exercise of discretion, or other action of a public
2 official or public employee in his or her official capacity.

3 (b) For purposes of this section, the term "threat"
4 shall have the same meaning ascribed to it in Section 13A-8-1.

5 (c) A violation of subsection (a) shall be a Class B
6 felony.

7 Section 7. Sections 36-25-8, 36-25-9, 36-25-10,
8 36-25-11, 36-25-12, 36-25-13, as amended by Act 2017-364 of
9 the 2017 Regular Session, 36-25-14, 36-25-15, 36-25-17,
10 36-25-18, 36-25-19, 36-25-23, 36-25-24, 36-25-26, and 36-25-27
11 Code of Alabama 1975, are amended to read as follows:

12 "§36-25-8.

13 "(a) No public official, public employee, former
14 public official, or former public employee, for a period
15 consistent with the statute of limitations as contained in
16 this chapter, shall use or disclose confidential information
17 gained in the course of or by reason of or his or her position
18 or employment in any way that could result in financial gain
19 ~~other than his or her regular salary as such public official~~
20 ~~or public employee~~ for himself or herself, a family member of
21 the public employee or family member of the public official,
22 or for any other person or business.

23 "(b) Nothing in this section prohibits a public
24 official or public employee from receiving any compensation or
25 other benefits earned in his or her official capacity from the
26 State of Alabama.

27 "§36-25-9.

1 "(a) Unless expressly provided otherwise by law, no
2 person shall serve as a member or employee of a state, county,
3 or municipal regulatory board or commission or other body that
4 regulates any business with which he or she is associated.
5 Nothing herein shall prohibit real estate brokers, agents,
6 developers, appraisers, mortgage bankers, or other persons in
7 the real estate field, or other state-licensed professionals,
8 from serving on any planning ~~boards~~ board or ~~commissions~~
9 commission, housing ~~authorities~~ authority, zoning board, board
10 of adjustment, code enforcement board, industrial board,
11 utilities board, state board, or commission.

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

23 "(c) No member of any county or municipal agency,
24 board, council, or commission shall vote or participate in any
25 matter in his or her official capacity which the member knows
26 or should have known that he or she has a conflict of interest

1 ~~or family member of the member has any financial gain or~~
2 ~~interest.~~

3 "(d) All acts, actions, and votes taken by such
4 local boards and commissions between January 1, 1991 and
5 December 31, 1993 are affirmed and ratified.

6 "§36-25-10.

7 ~~"If a public official or public employee, or family~~
8 ~~member of the public employee or family member of the public~~
9 ~~official, or a business with which the person is associated,~~
10 ~~represents a client or constituent for a fee before any~~
11 ~~quasi-judicial board or commission, regulatory body, or~~
12 ~~executive department or agency, notice of the representation~~
13 ~~shall be given within 10 days after the first day of the~~
14 ~~appearance. Notice shall be filed with the commission in the~~
15 ~~manner prescribed by it. No member of the Legislature, shall~~
16 ~~for a fee, reward, or other compensation, shall represent any~~
17 ~~person or business, firm, or corporation before the Public~~
18 ~~Service Commission, or the State Board of Adjustment any~~
19 ~~regulatory body. Nothing in this section prohibits a member of~~
20 ~~the Legislature who is an attorney from representing a client,~~
21 ~~including himself or herself, before the judicial branch or a~~
22 ~~regulatory body, provided that the representation does not~~
23 ~~include lobbying.~~

24 "§36-25-11.

25 "(a) Unless exempt pursuant to Alabama competitive
26 bid laws or otherwise permitted by law, no public official, or
27 public employee, or a member of the household of the public

1 ~~employee or the public official or public employee, and no or~~
2 ~~business with which the person is associated~~ public official
3 or public employee is an officer; owner; partner; board of
4 director; member; employee; or holder of more than five
5 percent of the fair market value of the business, shall enter
6 into any contract to provide goods or services which is to be
7 paid in whole or in part out of state, county, or municipal
8 funds unless the contract has been awarded through a process
9 of competitive bidding and a copy of the contract is filed
10 with the commission. All such contract awards shall be made as
11 a result of original bid takings, and no awards from
12 negotiations after bidding shall be allowed.

13 " (b) A copy of each contract referenced in
14 subsection (a), regardless of the amount, ~~entered into by a~~
15 ~~public official, public employee, a member of the household of~~
16 ~~the public employee or the public official, and any business~~
17 ~~with which the person is associated~~ shall be filed with the
18 commission within 10 days after the contract has been entered
19 into and is a public record with the commission. The
20 commission may make appropriate redactions to such contracts
21 consistent with the procedures set forth in Section 36-25-14.

22 "§36-25-12.

23 " (a) No person or business shall offer or ~~give~~
24 provide, directly or indirectly, a thing of value to a member
25 or employee of a regulatory body, governmental agency, board,
26 or commission, or to any family member of the member or

1 employee that regulates such person or business ~~a business~~
2 ~~with which the person is associated.~~

3 "(b), and nNo member or employee of a regulatory
4 body, governmental agency, board, or commission, shall solicit
5 or accept receive, directly or indirectly, a thing of value
6 from a person or business with which the person is associated
7 which is regulated by the regulatory body, governmental
8 agency, board, or commission. ~~while the member or employee is~~
9 ~~associated with the regulatory body other than in the ordinary~~
10 ~~course of business.~~

11 "(c) No member or employee of a regulatory body,
12 governmental agency, board, or commission, or a family member
13 of the member or employee, shall solicit or receive, directly
14 or indirectly, a thing of value from any person or business
15 that has a substantial financial interest or substantial
16 business relationship with a business regulated by the
17 regulatory body, governmental agency, board, or commission.
18 For purposes of this subsection, it shall be prima facie
19 evidence that the person or business has a substantial
20 financial interest if they are a holder of more than five
21 percent of the fair market value of the business.
22 Additionally, for purposes of this subsection, it shall be
23 prima facie evidence that the person or business has a
24 substantial business relationship if they receive more than 50
25 percent of their gross income or gross revenue from a
26 regulated business.

1 "(d) No member of a regulatory body, governmental
2 agency, board, or commission shall vote or participate in any
3 matter in his or her official capacity which the member knows,
4 or should have known, that he or she has a conflict of
5 interest, unless specifically authorized by law.

6 ~~"(e) In addition to the foregoing, the~~ The
7 Commissioner of the Department of Agriculture and Industries
8 and a any candidate for the office of commissioner may not
9 ~~accept~~ solicit or receive a campaign contribution from a
10 person or a business with which the person is associated with
11 ~~a business~~ which is regulated by the department.

12 "§36-25-13.

13 "(a) No former public official shall serve for a fee
14 as a lobbyist or otherwise represent clients, including his or
15 her employer before the board, agency, commission, department,
16 regulatory body, or legislative body, of which he or she is a
17 former member for a period of two years after he or she leaves
18 such membership. For the purposes of this subsection, ~~such~~ the
19 prohibition shall not include an attorney representing a
20 client before the judicial branch or a regulatory body,
21 provided that the attorney's representation of his or her
22 client does not include lobbying ~~a former member of the~~
23 ~~Alabama judiciary who as an attorney represents a client in a~~
24 ~~legal, non-lobbying capacity.~~

25 "(b) No former public official who leaves office
26 before the expiration of the term to which he or she was
27 elected or appointed shall serve for a fee as a lobbyist or

1 otherwise represent clients, including his or her employer,
2 before the board, agency, commission, department, regulatory
3 body, or legislative body of which he or she is a former
4 member during the remainder of the term for which the former
5 public official was previously elected or appointed to serve.
6 Nor shall the public official serve for a fee as a lobbyist or
7 otherwise represent clients, including his or her employer,
8 before the board, agency, commission, department, regulatory
9 body, or legislative body of which he or she is a former
10 member for two years after the expiration of the term of
11 office for which the public official was elected or appointed
12 to serve, whether or not the public official served the entire
13 term. For purposes of this subsection, this prohibition shall
14 not include an attorney representing a client before the
15 judicial branch or a regulatory body, provided the attorney's
16 representation of his or her client does not include lobbying.
17 ~~Notwithstanding the provisions of subsection (a), no public~~
18 ~~official elected to a term of office shall serve for a fee as~~
19 ~~a lobbyist or otherwise represent clients, including his or~~
20 ~~her employer, before the board, agency, commission,~~
21 ~~department, or legislative body of which he or she is a former~~
22 ~~member for a period of two years following the term of office~~
23 ~~for which he or she was elected, irrespective of whether the~~
24 ~~member left the office prior to the expiration of the term to~~
25 ~~which he or she was elected. For the purposes of this~~
26 ~~subsection, such prohibition shall not include a former member~~

1 ~~of the Alabama judiciary who as an attorney represents a~~
2 ~~client in a legal, non-lobbying capacity.~~

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

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

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

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

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

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

18 "(4) The contract is submitted to and approved by
19 the ~~Director~~ director of the ~~Ethics Commission~~ commission as
20 satisfying the above conditions ~~prior to~~ before the date the
21 retiree begins work under the contract.

22 "(e) Notwithstanding subsection (d), a municipality
23 may rehire a retired law enforcement officer or a retired
24 firefighter formerly employed by the municipality at any time
25 to provide public safety services if all of the following
26 conditions are satisfied:

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

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

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

11 "(f) No public official or public employee who
12 personally participates in the direct regulation, audit, or
13 investigation of a private business, corporation, partnership,
14 or person individual shall, within two years of his or her
15 departure from such employment, shall solicit or ~~accept~~
16 ~~employment with~~ receive a thing of value from such the private
17 business, corporation, partnership, or person individual. For
18 the purposes of this subsection, Section 36-25-1(b)(45)c.3.
19 does not apply.

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

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

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

16 "(h) No former member of the House of
17 Representatives or the Senate of the State of Alabama shall be
18 extended floor privileges of either body in a lobbying
19 capacity.

20 "§36-25-14.

21 "(a) In accordance with this chapter, all persons
22 who met any of the following qualifications during any part of
23 the preceding calendar year shall complete and file with the
24 commission a statement of economic interests for the preceding
25 calendar year by April 30: A statement of economic interests
26 shall be completed and filed in accordance with this chapter
27 with the commission no later than April 30 of each year

1 ~~covering the period of the preceding calendar year by each of~~
2 ~~the following:~~

3 "(1) All ~~elected public officials at the state,~~
4 ~~county, or municipal level of government or their~~
5 ~~instrumentalities.~~

6 "(2) ~~Any person appointed as a~~ All public employees
7 ~~official and any person employed as a public employee at the~~
8 ~~state, county, or municipal level of government or their~~
9 ~~instrumentalities~~ who occupyies a position ~~whose~~ the base pay
10 of which is seventy-five thousand dollars (\$75,000) or more
11 annually, as adjusted by the commission by January 31 of each
12 year to reflect changes in the U.S. Department of Labor's
13 Consumer Price Index~~7~~ or a successor index.

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

18 "(4) All Members members of the Alabama Ethics
19 Commission~~7~~.

20 "(5) All members of any state appointed members of
21 boards board and or commissions commission, having statewide
22 jurisdiction (but excluding not members of state boards or
23 commissions that are exclusively advisory in nature or
24 operation solely advisory boards).

25 "~~(5)~~ (6) All full-time nonmerit employees, but not
26 those employed in maintenance, janitorial, other than those

1 ~~employed in maintenance, clerical, secretarial, or other~~
2 similar positions.

3 "(7) All employees of the Legislature, Judicial
4 Branch, and Office of the Governor, but not those employed in
5 maintenance, janitorial, or similar positions.

6 "(8) All city or county school superintendents,
7 school board members, principals, or school administrators.

8 "(9) Any person who is a public official or public
9 employee, regardless of his or her base pay, who occupies a
10 position in which any of the following circumstances exist:

11 "a. The person's primary duty is to invest public
12 funds, but not a public employee that merely handles money,
13 lawful United States currency, or checks as part of his or her
14 job duties.

15 "b. The person has the power to grant or deny land
16 development permits.

17 "c. The person is a purchasing or procurement agent
18 having the authority to make any purchase, but not a public
19 employee who merely handles money, lawful United States
20 currency, or checks as part of his or her job duties.

21 "d. Any portion of the person's responsibilities
22 include the awarding of grants.

23 "e. 1. Subject to subparagraph 2., the person serves
24 full-time as a supervisor, including, but not limited to, an
25 employee serving as a chief county or municipal clerk, a chief
26 county or municipal manager, a chief county or municipal
27 administrator, a chief county or municipal administrative

1 officer, a chief or assistant county or municipal building
2 inspector, a chief of police, a fire chief, a director or an
3 assistant director of a state agency, a chief financial or
4 accounting director, a chief grant coordinator, or other
5 similar supervisory position.

6 "2. Except where otherwise required by this section,
7 the commission may exempt any class of public employee
8 supervisor from the requirements of this section, so long as
9 the commission unanimously votes to exempt the class of
10 supervisors and the Attorney General provides written
11 approval, and the commission determines all of the following
12 factors exist:

13 "(i) The average base pay for the class of
14 supervisor is substantially less than seventy-five thousand
15 dollars (\$75,000).

16 "(ii) The number of persons occupying the class of
17 supervisor is substantially greater than other classes.

18 "(iii) The class of supervisor is limited to public
19 employees at the county or municipal level of government.

20 "(iv) The class of supervisors consists of
21 intermediate or middle level management.

22 "3. The commission shall publish a document setting
23 forth its consideration of the factors specified in
24 subparagraph 2. Following the written approval of an exemption
25 for a class of supervisor. The document, the vote of the
26 commission, and the written approval of the Attorney General
27 are public records.

- 1 ~~"(6) Chief clerks and chief managers.~~
- 2 ~~"(7) Chief county clerks and chief county managers.~~
- 3 ~~"(8) Chief administrators.~~
- 4 ~~"(9) Chief county administrators.~~
- 5 ~~"(10) Any public official or public employee whose~~
6 ~~primary duty is to invest public funds.~~
- 7 ~~"(11) Chief administrative officers of any political~~
8 ~~subdivision.~~
- 9 ~~"(12) Chief and assistant county building~~
10 ~~inspectors.~~
- 11 ~~"(13) Any county or municipal administrator with~~
12 ~~power to grant or deny land development permits.~~
- 13 ~~"(14) Chief municipal clerks.~~
- 14 ~~"(15) Chiefs of police.~~
- 15 ~~"(16) Fire chiefs.~~
- 16 ~~"(17) City and county school superintendents and~~
17 ~~school board members.~~
- 18 ~~"(18) City and county school principals or~~
19 ~~administrators.~~
- 20 ~~"(19) Purchasing or procurement agents having the~~
21 ~~authority to make any purchase.~~
- 22 ~~"(20) Directors and assistant directors of state~~
23 ~~agencies.~~
- 24 ~~"(21) Chief financial and accounting directors.~~
- 25 ~~"(22) Chief grant coordinators.~~
- 26 ~~"(23) Each employee of the Legislature or of~~
27 ~~agencies, including temporary committees and commissions~~

1 established by the Legislature, other than those employed in
2 maintenance, clerical, secretarial, or similar positions.

3 ~~"(24) Each employee of the Judicial Branch of~~
4 ~~government, including active supernumerary district attorneys~~
5 ~~and judges, other than those employed in maintenance,~~
6 ~~clerical, secretarial, or other similar positions.~~

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

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

1 ~~economic interests.~~ The commission shall adopt a statement of
2 economic interest form for public officials and candidates by
3 rule. The form shall be submitted under penalty of perjury by
4 the person making the filing. The form, at a minimum, The
5 statement shall contain also require, the following
6 information on the ~~person~~ public official or candidate making
7 the filing:

8 "(1) Name~~,~~ and residential address~~,~~ business; name~~,~~
9 and address~~,~~ and business of living spouse and dependents;
10 name of living adult children~~,~~ name of parents, and
11 siblings~~,~~ name of and living parents of spouse; ~~Undercover~~
12 ~~law enforcement officers may have their residential addresses~~
13 ~~and the names of family members removed from public scrutiny~~
14 ~~by filing an affidavit stating that publicizing this~~
15 ~~information would potentially endanger their families.~~ the
16 public office currently held by the public official, including
17 the date the public official was elected or appointed to the
18 public office; the date of expiration of the public official's
19 current term of office; and, if the public official has
20 resigned or been removed from public office, the date of the
21 resignation or removal.

22 "(2) A list of each entity of which the public
23 official, candidate, or a family member of the official or
24 candidate is an officer, owner, partner, board of director
25 member, employee, independent contractor, consultant, or the
26 holder of more than five percent of the fair market value of
27 the business. ~~occupations to which one third or more of~~

1 ~~working time was given during previous reporting year by the~~
2 ~~public official, public employee, or his or her spouse.~~

3 "~~(3) A listing list of any income, salaries, fees,~~
4 ~~dividends, profits, commissions, and other compensation to the~~
5 ~~public official, candidate, or spouse of the public official~~
6 ~~or candidate, from any business with which the public official~~
7 ~~or candidate is associated, in excess of one thousand five~~
8 ~~hundred dollars (\$1,500). ~~total combined household income of~~~~
9 ~~the public official or public employee during the most recent~~
10 ~~reporting year as to income from salaries, fees, dividends,~~
11 ~~profits, commissions, and other compensation and listing the~~
12 ~~names of each business and the income derived from such~~
13 ~~business in the following categorical amounts: less than one~~
14 ~~thousand dollars (\$1,000); at least one thousand dollars~~
15 ~~(\$1,000) and less than ten thousand dollars (\$10,000); at~~
16 ~~least ten thousand dollars (\$10,000) and less than fifty~~
17 ~~thousand dollars (\$50,000); at least fifty thousand dollars~~
18 ~~(\$50,000) and less than one hundred fifty thousand dollars~~
19 ~~(\$150,000); at least one hundred fifty thousand dollars~~
20 ~~(\$150,000) and less than two hundred fifty thousand dollars~~
21 ~~(\$250,000); or at least two hundred fifty thousand dollars~~
22 ~~(\$250,000) or more. The person reporting shall also name any~~
23 ~~business or subsidiary thereof in which he or she or his or~~
24 ~~her spouse or dependents, jointly or severally, own five~~
25 ~~percent or more of the stock or in which he or she or his or~~
26 ~~her spouse or dependents serves as an officer, director,~~
27 ~~trustee, or consultant where the service provides income of at~~

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

4 "(4) A list of any consulting or other similar
5 services rendered by the public official or spouse of the
6 public official on behalf of any person or business,
7 regardless of whether the services rendered were performed
8 inside or outside the State of Alabama. This list does not
9 include the services of an attorney representing a client
10 before the judicial branch or a regulatory body, provided that
11 the attorney's representation of his or her client does not
12 include lobbying. This list shall include a description of the
13 services, the identity of the person or business who paid for
14 the services, and the amount paid for the services rendered by
15 the public official or the spouse of the public official.

16 "(5) A disclosure of family relationships with
17 lobbyists and principals in a manner set forth by the
18 commission in accordance with this section. ~~If the filing~~
19 ~~public official or public employee, or his or her spouse, has~~
20 ~~engaged in a business during the last reporting year which~~
21 ~~provides legal, accounting, medical or health related, real~~
22 ~~estate, banking, insurance, educational, farming, engineering,~~
23 ~~architectural management, or other professional services or~~
24 ~~consultations, then the filing party shall report the number~~
25 ~~of clients of such business in each of the following~~
26 ~~categories and the income in categorical amounts received~~
27 ~~during the reporting period from the combined number of~~

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

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

9 "(6) The fair market value of any real estate owned
10 by the public official, the total amount of any rent or lease
11 income received by the public official from any real estate
12 that is held for investment or revenue production by the
13 public official or for the benefit of the public official, and
14 the counties in which the real estate is located. For real
15 estate owned by the public official that is used for
16 commercial purposes, but not residential purposes, the public
17 official shall also disclose the name of any business which is
18 located on the real estate. Any real estate associated with
19 the homestead of the person filing is exempted from this
20 disclosure requirement. ~~If real estate is held for investment~~
21 ~~or revenue production by a public official, his or her spouse~~
22 ~~or dependents, then a listing thereof in the following fair~~
23 ~~market value categorical amounts: Under fifty thousand dollars~~
24 ~~(\$50,000); at least fifty thousand dollars (\$50,000) and less~~
25 ~~than one hundred thousand dollars (\$100,000); at least one~~
26 ~~hundred thousand dollars (\$100,000) and less than one hundred~~
27 ~~fifty thousand dollars (\$150,000); at least one hundred fifty~~

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

12 "(7) A listing of any debt in excess of ten thousand
13 dollars (\$10,000), of the public official or the spouse of the
14 public official to any bank, credit union, savings and loan
15 association, insurance company, mortgage firm, financial
16 institution, and any other person or business, including the
17 amount of the original debt, the current balance, and identity
18 of the creditor. The listing shall also include any loan or
19 line of credit personally guaranteed, in whole or in part, by
20 the public official. ~~indebtedness to businesses operating in~~
21 Alabama showing types and number of each as follows: Banks,
22 savings and loan associations, insurance companies, mortgage
23 firms, stockbrokers and brokerages or bond firms; and the
24 indebtedness to combined organizations in the following
25 categorical amounts: Less than twenty-five thousand dollars
26 (\$25,000); twenty-five thousand dollars (\$25,000) and less
27 than fifty thousand dollars (\$50,000); fifty thousand dollars

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

10 "(8) A list of any contracts, including real estate
11 or lease agreements, the parties to which include both the
12 public official, family member of the public official, or
13 entity specified pursuant to subdivision (2) and any federal,
14 state, county, or municipal government agency, board,
15 commission, department, or any other governmental entity. The
16 listing shall include the identity of the parties to the
17 contract, the amount agreed to or paid under the terms of the
18 contract, and a description of the contract.

19 "(9) A list of all matters in which the public
20 official did not vote or participate because of a conflict of
21 interest, including a description of the matter, a description
22 of the conflict of interest, and the date on which the public
23 official knew the conflict of interest existed.

24 "(10) A list of economic development functions,
25 educational functions, or widely attended events the public
26 official attended if a person or business, other than the
27 State of Alabama, or the public official making the filing,

1 paid in excess of one thousand five hundred dollars (\$1,500),
2 in whole or in part, for the public official to attend. This
3 listing shall include the name and date of the event, the
4 address of the event, the identity of the person or business
5 that paid for the public official to attend, and the amount
6 paid by the person or business for the public official to
7 attend.

8 "(c) The commission shall adopt a statement of
9 economic interest form for public employees by rule. The form
10 shall be submitted under penalty of perjury by the person
11 making the filing. The form, at a minimum, shall contain the
12 following information on the public employee making the
13 filing:

14 "(1) The name and residential address of the public
15 employee and family members of the public employee.

16 "(2) A list of each entity of which the public
17 employee or a family member of the public employee is an
18 officer, owner, partner, board of director member, employee,
19 independent contractor, consultant, or the holder of more than
20 five percent of the fair market value of the business.

21 "(3) For each entity listed in subdivision (2),
22 whether the amount of income, salaries, fees, dividends,
23 profits, commissions, and other compensation to the public
24 employee or family member of the public employee was greater
25 than ten thousand dollars (\$10,000).

26 "(4) A list of any contracts, including real estate
27 or lease agreements, the parties to which include both the

1 public employee, family member of the public employee, or any
2 entity specified pursuant to subdivision (2) and any federal,
3 state, county, or municipal government agency, board,
4 commission, department, or any other government entity. The
5 listing shall include the identity of the parties to the
6 contract and whether the contract is in excess of ten thousand
7 dollars (\$10,000).

8 "(5) A list of any consulting or other similar
9 services rendered by the public employee or spouse of the
10 public employee on behalf of any person or business,
11 regardless of whether the services rendered were performed
12 inside or outside the State of Alabama. The list is not
13 required to include the services of an attorney representing a
14 client before the judicial branch or a regulatory body,
15 provided that the attorney's representation of his or her
16 client does not include lobbying. This list shall include a
17 description of the services, the identity of the person or
18 business who paid for the services, and whether the amount
19 paid for the services rendered by the public employee or the
20 spouse of the public employee was in excess of ten thousand
21 dollars (\$10,000).

22 "(6) The public employee shall also disclose family
23 relationships with lobbyists and principals in a manner set
24 forth by the commission in accordance with this section.

25 ~~(c)~~(d) Filing required by this section shall
26 reflect information and facts in existence at the end of the
27 reporting year.

1 "~~(d)~~(e) If the information required herein is not
2 filed as required, the commission shall do all of the
3 following: notify the public official or public employee
4 concerned as to his or her failure to so file and the public
5 official or public employee shall have 10 days to file the
6 report after receipt of the notification. The commission may,
7 in its discretion, assess a fine of ten dollars (\$10) a day,
8 not to exceed one thousand dollars (\$1,000), for failure to
9 file timely.

10 "(1) No later than August 1 of each calendar year,
11 notify, in writing, the public official, public employee, or
12 candidate, with a copy to the head of the state, county, or
13 municipal agency with which the person is employed, as to his
14 or her failure to file the information required in this
15 section. The public official or public employee shall have
16 until midnight on September 20 of that calendar year to file
17 the required information.

18 "(2) No later than October 1 of each calendar year,
19 release publicly a list of the public officials, public
20 employees, and candidates that have not filed the required
21 information.

22 "(3) No later than December 1 of each calendar year,
23 order any public official, public employee, or candidate who
24 has not filed the required information to appear at the next
25 regular open meeting of the commission to show good cause for
26 his or her failure to file the required information. If the
27 required information is filed before the date on which the

1 person was ordered to appear, the person is excused from his
2 or her appearance.

3 "(4) At the next regular open meeting occurring
4 after December 31 of each calendar year, identify any person
5 who either failed to appear pursuant to subdivision (3) or
6 failed to show good cause and vote to refer such matter to the
7 Attorney General or the district attorney for the appropriate
8 jurisdiction. The commission may also impose a fine on any
9 public official or candidate, not to exceed one thousand
10 dollars (\$1,000), or on any public employee, not to exceed two
11 hundred and fifty dollars (\$250), who fails to appear or fails
12 to show good cause. If a person appears before the commission
13 and shows good cause, the commission may grant an extension
14 for the person to file the required information, but the
15 extension shall not be later than the next regular open
16 meeting following the person's appearance.

17 "(5) No later than March 1 of each calendar year,
18 vote to refer to the Attorney General or the district attorney
19 for the appropriate jurisdiction all matters where a person
20 has failed to file the required information.

21 ~~"(e)(f) Any person who unintentionally neglects to~~
22 ~~include any information relating to the financial disclosure~~
23 ~~filing requirements of this chapter shall have 90 days to file~~
24 ~~an amended statement of economic interests without penalty.~~
25 Any person who intentionally makes a materially false,
26 fictitious, or fraudulent statement or representation in his

1 or her statement of economic interest, upon conviction, shall
2 be guilty of a Class C felony.

3 "(g) Except as provided in subsection (f), ~~A~~ any
4 public employee ~~person~~ who intentionally violates any
5 provision of this section, upon conviction, shall be guilty of
6 a Class A misdemeanor. ~~financial disclosure filing requirement~~
7 of this chapter shall be subject to administrative fines
8 imposed by the commission, or shall, upon conviction, be
9 guilty of a Class A misdemeanor, or both.

10 "(h) Except as provided in subsection (f), any
11 public official or candidate who intentionally violates any
12 provision of this section, upon conviction, shall be guilty of
13 a Class D felony.

14 "(i) Notwithstanding any other provision of law, the
15 venue for any violation of this section shall be in Montgomery
16 County, Alabama.

17 "(j) Notwithstanding any other provision of law, the
18 statute of limitations for failing to file the required
19 information shall not begin to run until the commission has
20 voted to refer the matter to the Attorney General or the
21 district attorney for the appropriate jurisdiction. If the
22 matter was not referred by the commission, then the statute of
23 limitations shall begin to run on the date that the commission
24 was required to refer the matter pursuant to this section.

25 "(k) Notwithstanding any other provision of law, a
26 public official or candidate may not use any funds from any
27 contribution reported under Chapter 5 of Title 17 or a

1 contribution to an inaugural or transition committee, any
2 funds from any campaign contribution for a federal election
3 which is otherwise lawful, or funds from any legal defense
4 fund to pay any fine levied by the commission under this
5 section.

6 "(l) The commission may develop and implement
7 statement of economic interest forms that are consistent with
8 the requirements of this section, including, but not limited
9 to, requiring supplemental or additional information
10 reasonably related to the requirements of this section. The
11 commission may not excuse or exempt any person from any filing
12 requirement, except as otherwise provided in this section.

13 "(m) The commission shall implement reasonable
14 measures to ensure the safety of minor children and law
15 enforcement personnel and to protect against identity theft,
16 including the following:

17 "(1) Redacting certain information submitted by any
18 person in law enforcement, including a prosecutor and a member
19 of his or her staff.

20 "(2) Redacting the street number and street name,
21 but not the city, county, state, or zip code, from any address
22 submitted by any person.

23 "(3) Redacting any information that directly relates
24 to minor children.

25 "(4) Redacting any information that has a
26 substantial likelihood of exposing any person to identify
27 theft.

1 "(5) Redacting any other information from public
2 scrutiny which would potentially endanger any person; subject
3 any person to identity theft; irreparably harm the business or
4 professional activity of a person; or violate any person's
5 constitutional rights, so long as the redaction is approved in
6 writing by a unanimous vote of all of the members of the
7 commission and by the Attorney General.

8 "(n) Any person may request, in writing with a copy
9 to the Attorney General, that the commission redact any
10 information required to be disclosed under this section if the
11 disclosure of such information would potentially endanger any
12 person, irreparably harm the business or professional
13 activities of the person, or violate the person's rights under
14 the Constitution of Alabama of 1901, or the United States
15 Constitution. Such a request must be approved in writing by a
16 unanimous vote of all of the members of the commission and by
17 the Attorney General.

18 "(o) The commission may require the head of any
19 state, county, or municipal agency or department to provide
20 the commission with a list of persons employed by the agency
21 or department who are required to complete a statement of
22 economic interest form for each calendar year.

23 "(p) For purposes of this section, the redaction of
24 any information exempts the information from the requirements
25 of Section 36-12-40.

26 "(q) For purposes of this section, a person who is
27 not otherwise a public official who is appointed to an

1 unelected and uncompensated position at the county or
2 municipal level of government or their instrumentalities,
3 including governmental corporations, shall file a form
4 pursuant to subsection (c).

5 "§36-25-15.

6 "(a) Candidates at every level of government shall
7 file a completed statement of economic interests form for the
8 previous calendar year with the ~~State Ethics Commission~~
9 commission simultaneously with the date such candidate files
10 his or her qualifying papers with the appropriate election
11 official or in the case of an independent candidate, the date
12 the person complies with the requirements of Section 17-9-3.
13 Nothing in this section shall be deemed to require a second
14 filing of the person's statement of economic interests if a
15 current statement of economic interests is on file with the
16 commission.

17 "(b) Each election official who receives a
18 declaration of candidacy or petition to appear on the ballot
19 for election from a candidate shall, within five days of the
20 receipt, notify the commission of the name of the candidate,
21 as defined in this chapter, and the date on which the person
22 became a candidate. ~~The commission shall, within~~ Within five
23 business days of receipt of such notification, the commission
24 shall notify the election official whether the candidate has
25 complied with the provisions of this section.

26 "(c) Other provisions of the law notwithstanding, if
27 a candidate does not submit a statement of economic interests

1 or, when applicable, an amended statement of economic
2 interests in accordance with the requirements of this chapter,
3 the name of the person shall not appear on the ballot and the
4 candidate shall be deemed not qualified as a candidate in that
5 election. Notwithstanding the foregoing, the commission may,
6 for good cause shown, allow the candidate an additional five
7 days to file such statement of economic interests. If a
8 candidate is deemed not qualified, the appropriate election
9 official shall remove the name of the candidate from the
10 ballot.

11 "§36-25-17.

12 "(a) Every governmental agency head ~~shall,~~ within 10
13 days, shall file reports with the commission on any matters
14 that come to his or her attention in his or her official
15 capacity which constitute a violation of this chapter. Nothing
16 in this chapter prohibits the director or a member of the
17 commission from reporting to the Attorney General or the
18 district attorney for the appropriate jurisdiction any matter
19 that constitutes a violation of this chapter which comes to
20 his or her attention in his or her official capacity.

21 "(b) Governmental agency heads shall cooperate in
22 every possible manner in connection with any investigation or
23 hearing, public or private, which may be conducted by the
24 commission.

25 "§36-25-18.

26 "(a) A person may not lobby unless registered
27 pursuant to this section.

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

9 "~~(b)~~(c) The commission shall adopt a registration
10 form. The form, at minimum, shall require ~~The registration~~
11 ~~shall be in writing and shall contain~~ the following
12 information:

13 "(1) The registrant's full name and business
14 address.

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

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

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

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

26 "(6) A statement signed by each principal that he or
27 she has read the registration, knows its contents and has

1 authorized the registrant to be a lobbyist in his or her
2 behalf as specified therein, and that no compensation will be
3 paid to the registrant contingent upon passage or defeat of
4 any legislative measure.

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

9 "(e) After the effective date of the act adding this
10 subsection, a person convicted of a felony violation of this
11 chapter may not register as a lobbyist, regardless of whether
12 a pardon has been issued by the Board of Pardons and Paroles,
13 and a person registered as a lobbyist who is convicted of a
14 felony violation of this chapter shall forfeit his or her
15 registration immediately upon conviction.

16 "§36-25-19.

17 "(a) Every person registered as a lobbyist pursuant
18 to Section 36-25-18 and every principal employing any lobbyist
19 shall file with the commission a report provided by the
20 commission pertaining to the activities set out in that
21 section. The commission may require or permit a principal to
22 file one report that includes all who are principals by virtue
23 of their role within the entity. The report shall be filed
24 with the commission no later than January 31, April 30, July
25 31, and October 31 for each preceding calendar quarter, and
26 contain, but not be limited to, the following information:

1 "(1) The cost of those items excluded from the
2 definition of a thing of value which are described in Section
3 36-25-1(b)41 c. and d. and which are expended within a 24-hour
4 period on a public official, public employee, and members of
5 his or her respective household in excess of two hundred fifty
6 dollars (\$250) with the name or names of the recipient or
7 recipients and the date of the expenditure.

8 "(2) The nature and date of any financial
9 transaction between the public official, candidate, or member
10 of the household of such public official or candidate and the
11 lobbyist or principal of a value in excess of five hundred
12 dollars (\$500) in the prior quarter, excluding those financial
13 transactions which are required to be reported by candidates
14 under the Fair Campaign Practices Act as provided in Chapter
15 ~~22A~~ 5 (commencing with Section ~~17-22A-1~~ 17-5-1) of Title 17.

16 "(3) A detailed statement showing the exact amount
17 of any loan given or promised to a public official, candidate,
18 public official or candidate.

19 "(4) A detailed statement showing any direct
20 business association or partnership with any public official,
21 candidate, or members of the household of such public official
22 or candidate; provided, however, that campaign expenditures
23 shall not be deemed a business association or partnership.

24 "(b) Any person not otherwise deemed a lobbyist
25 pursuant to this chapter who negotiates or attempts to
26 negotiate a contract, sells or attempts to sell goods or
27 services, engages or attempts to engage in a financial

1 transaction with a public official or public employee in their
2 official capacity and who within a calendar day expends in
3 excess of two hundred fifty dollars (\$250) on such public
4 employee, public official, and his or her respective household
5 shall file a detailed quarterly report of the expenditure with
6 the commission.

7 "(c) Any other provision of this chapter to the
8 contrary notwithstanding, no organization whose officer or
9 employee serves as a public official under this chapter shall
10 be required to report expenditures or reimbursement paid to
11 such officer or employee in the performance of the duties with
12 the organization.

13 "§36-25-23.

14 "(a) No public official ~~elected to a term of office~~
15 shall serve for a fee, reward, or other compensation, in
16 addition to that received in his or her official capacity, as
17 a lobbyist or otherwise represent a client, including his or
18 her employer, before any legislative body, the Office of the
19 Governor for the State of Alabama, any executive department or
20 agency, any regulatory body, any governmental agency, any
21 board, any commission, the judicial branch, or a county or
22 municipal government, or agency thereof. ~~or any branch of~~
23 ~~state or local government, including the executive and~~
24 ~~judicial branches of government, and including the Legislature~~
25 ~~of Alabama or any board, agency, commission, or department~~
26 ~~thereof, during the term or remainder of the term for which~~
27 ~~the official was elected.~~ For purposes of this subsection,

1 ~~such~~ prohibition shall not include an attorney representing
2 clients before the judicial branch or a regulatory body,
3 provided that the attorney's representation of his or her
4 client does not include lobbying. ~~a former member of the~~
5 ~~Alabama Judiciary who as an attorney represents a client in a~~
6 ~~legal, non-lobbying capacity.~~

7 ~~"(b) No former member of the House of~~
8 ~~Representatives or the Senate of the State of Alabama shall be~~
9 ~~extended floor privileges of either body in a lobbying~~
10 ~~capacity.~~

11 ~~"(c)(b)~~ No public official, public employee, or
12 group of public officials or public employees shall solicit
13 any lobbyist to ~~give any thing~~ offer or provide anything,
14 whether or not the thing solicited is a thing of value, to any
15 person or entity for any purpose, ~~other than a campaign~~
16 ~~contribution.~~ except for either of the following:

17 "(1) A contribution reported under Chapter 5 of
18 Title 17 or a contribution to an inaugural or transition
19 committee, or a campaign contribution for a federal election
20 which is otherwise lawful.

21 "(2) Items of de minimis value.

22 ~~"(d)(c)~~ No principal or lobbyist shall accept
23 compensation for, or enter into, a contract to provide
24 lobbying services which is contingent upon the passage or
25 defeat of any legislative action.

26 "(d) Except where the privilege against
27 self-incrimination under the Constitution of the State of

1 Alabama or the United States applies, any member of the
2 Legislative or Executive Branch, lobbyist, subordinate of a
3 lobbyist, or a principal, who intentionally fails to report a
4 violation of this section to the commission, upon conviction,
5 shall be guilty of a Class A misdemeanor.

6 "§36-25-24.

7 "(a) A supervisor shall not discharge, demote,
8 transfer, or otherwise discriminate against a public employee
9 regarding such employee's compensation, terms, conditions, or
10 privileges of employment based on the employee's reporting a
11 violation, or what he or she believes in good faith to be a
12 violation, of this chapter or giving truthful statements or
13 truthful testimony concerning an alleged ethics violation.

14 "(b) Nothing in this chapter shall be construed in
15 any manner to prevent, ~~or~~ prohibit, or otherwise limit a
16 supervisor from disciplining, discharging, transferring, or
17 otherwise affecting the terms and conditions of a public
18 employee's employment so long as the disciplinary action does
19 not result from, or is in no other manner connected with, the
20 public employee's filing a complaint with the commission,
21 giving truthful statements, and truthfully testifying.

22 "(c) No public employee shall file a complaint or
23 otherwise initiate action against a public official or other
24 public employee without a good faith basis for believing the
25 complaint to be true and accurate.

26 "(d) A supervisor who is alleged to have violated
27 this section shall be subject to civil action in the circuit

1 courts of this state pursuant to the Alabama Rules of Civil
2 Procedure as promulgated by the Alabama Supreme Court.

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

13 "(f) Nothing in this section shall be construed to
14 allow a public employee to file a false complaint to prevent,
15 mitigate, lessen, or otherwise to extinguish existing or
16 anticipated personnel action by a supervisor. A public
17 employee who ~~willfully~~ intentionally files such a complaint
18 against a supervisor shall, upon conviction, be guilty of the
19 crime of false reporting.

20 "§36-25-26.

21 "(a) No person, for the purpose of influencing
22 legislation, may do either of the following:

23 "(1) Knowingly or ~~willfully~~ intentionally make any
24 false statement or misrepresentation of the facts to a member
25 of the Legislative or Executive Branch.

26 "(2) ~~Knowing~~ With knowledge that a document ~~to~~
27 contains a false statement, cause a copy of the document to be

1 received by a member of the Legislative or Executive Branch
2 without notifying the member in writing of the truth.

3 "(b) Any member of the Legislative or Executive
4 Branch who acts or refrains from acting in his or her official
5 capacity in reliance on a materially false statement, material
6 misrepresentation, a document containing a materially false
7 statement, or other conduct constituting a violation of
8 subsection (a) shall report the violation to the commission
9 upon discovery of the falsity of such statement,
10 representation, or document. For purposes of this subsection,
11 any member who intentionally fails to comply with this
12 subsection, upon conviction, shall be guilty of a Class A
13 misdemeanor.

14 "§36-25-27.

15 "(a) ~~(1)~~ Except as otherwise provided, ~~any person~~
16 ~~subject to~~ in this chapter, the following penalties apply to
17 any violation of this chapter:

18 "(1) Any person subject to this chapter who
19 intentionally violates any provision of this chapter other
20 than those for which a separate penalty is provided for in
21 this section shall, upon conviction, shall be guilty of a
22 Class B felony.

23 "(2) Any person subject to this chapter who
24 knowingly, recklessly, or with criminal negligence violates
25 any provision of this chapter other than those for which a
26 separate penalty is provided for in this section shall, upon
27 conviction, shall be guilty of a Class A misdemeanor.

1 "(3) Any person subject to this chapter who
2 knowingly violates any disclosure requirement of this chapter
3 ~~shall~~, upon conviction, shall be guilty of a Class A
4 misdemeanor.

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

11 "(5) Any person who knowingly, recklessly, or with
12 criminal negligence makes false statements to an employee of
13 the commission or to the commission itself pursuant to this
14 chapter ~~without reason to believe the accuracy of the~~
15 ~~statements shall~~, upon conviction, shall be guilty of a Class
16 A misdemeanor.

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

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

24 "~~(b) The commission, if petitioned or agreed to by a~~
25 ~~respondent and the Attorney General or district attorney~~
26 ~~having jurisdiction, by unanimous vote of the members present,~~
27 If a respondent petitions the commission or if the respondent

1 and the Attorney General or district attorney having
2 jurisdiction agree, the commission, by unanimous vote of the
3 members present, may administratively resolve a complaint
4 filed pursuant to this chapter for minor violations. The
5 commission may ~~levy~~ impose an administrative penalty not to
6 exceed ~~one thousand dollars (\$1,000)~~ six thousand dollars
7 (\$6,000) for any minor violation of this chapter ~~including,~~
8 ~~but not limited to, the failure to timely file a complete and~~
9 ~~correct statement of economic interests.~~ In addition to any
10 administrative penalty, ~~The~~ the commission shall, ~~in addition~~
11 ~~to any administrative penalty,~~ order restitution in the amount
12 of any economic loss to the state, county, and municipal
13 governments and their instrumentalities and ~~such,~~ when
14 collected, the restitution shall ~~when collected~~ be paid by the
15 commission, to the entity having the economic loss. ~~In any~~
16 ~~case in which an administrative penalty is imposed, the~~
17 ~~administrative penalty shall not be less than three times the~~
18 ~~amount of any economic loss to the state, county, and~~
19 ~~municipal governments or their instrumentalities or any~~
20 ~~economic gain or benefit to the public official or public~~
21 ~~employee, or whichever sum is greater.~~ The commission, through
22 its attorney, shall institute proceedings to recover any
23 penalties or restitution or other such funds so ordered
24 pursuant to this section which are not paid by, or on behalf
25 of, the public official or public employee or other person who
26 has violated this chapter. Nothing in this section shall be
27 deemed in any manner to prohibit the commission and the

1 respondent from entering into a consent decree settling a
2 complaint which has previously been designated by the
3 commission for administrative resolution, so long as the
4 consent decree is approved by the commission. If the
5 commission, the respondent, and the Attorney General or
6 district attorney having jurisdiction, all concur that a
7 complaint is deemed to be handled administratively, the action
8 shall preclude any criminal prosecution pursuant to this
9 chapter at the state, county, or municipal level.

10 "(c) The enforcement of this chapter shall be vested
11 in the commission; provided, however, nothing in this chapter
12 shall be deemed to limit or otherwise prohibit the Attorney
13 General or the district attorney for the appropriate
14 jurisdiction from enforcing any provision of this chapter as
15 they deem appropriate. In the event the commission, by
16 majority vote, finds that any provision of this chapter has
17 been violated, the alleged violation and any investigation
18 conducted by the commission shall be referred to the district
19 attorney of the appropriate jurisdiction or the Attorney
20 General. The commission shall provide any and all appropriate
21 assistance to such district attorney or Attorney General. Upon
22 the request of such district attorney or the Attorney General,
23 the commission may institute, prosecute, or take such other
24 appropriate legal action regarding such violations, proceeding
25 therein with all rights, privileges, and powers conferred by
26 law upon assistant attorneys general. The fact that the
27 commission declined to investigate a complaint for any reason,

1 investigated a complaint before closing the matter for any
2 reason, did not hold a vote determining probable cause, or
3 voted that there was not probable cause for a violation shall
4 not be a prerequisite or a bar to obtaining an indictment from
5 any grand jury of this state for any violation of this
6 chapter. Nor shall any of those facts constitute a defense to
7 a violation of this chapter in a criminal case or constitute
8 the legal basis for the dismissal of an indictment. No
9 evidence of these facts is admissible at a trial in any
10 criminal case for a violation of this chapter, provided that
11 an indictment was returned by a grand jury of this state.

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

15 "(e) The penalties prescribed in this chapter do not
16 in any manner limit the power of a legislative body to
17 discipline its own members or to impeach public officials and
18 do not limit the powers of agencies, departments, boards, or
19 commissions to discipline their respective officials, members,
20 or employees.

21 "(f) Each circuit court of this state shall have
22 jurisdiction ~~of~~ in all cases and actions relative to judicial
23 review, violations, or the enforcement of this chapter, and
24 the venue of any action pursuant to this chapter shall be in
25 the county in which the alleged violation occurred, or in
26 those cases where the violation or violations occurred outside
27 the State of Alabama, in Montgomery County. In the case of

1 judicial review of any administrative decision of the
2 commission, the commission's order, rule, or decision shall be
3 taken as prima facie just and reasonable and the court shall
4 not substitute its judgment for that of the commission as to
5 the weight of the evidence on questions of fact except where
6 otherwise authorized by law.

7 "(g) Any felony prosecution brought pursuant to this
8 chapter shall be commenced within ~~four~~ six years after the
9 commission of the offense.

10 "(h) Any misdemeanor prosecution brought pursuant to
11 this chapter shall be commenced within two years after the
12 commission of the offense.

13 "(i) Nothing in this chapter is intended to l, nor is
14 to be construed as l, repealing in any way the provisions of any
15 of the criminal laws of this state.

16 "(j) It is not a defense to any prosecution under
17 this chapter that the violation or any part thereof occurred
18 outside the State of Alabama or involved non-public funds.

19 "(k) All things of value and all personal gain that
20 form the basis for a criminal charge under this chapter shall
21 be recoverable as restitution to the state upon conviction.
22 Any restitution ordered pursuant to this section shall be paid
23 to the state General Fund."

24 Section 8. Although this bill would have as its
25 purpose or effect the requirement of a new or increased
26 expenditure of local funds, the bill is excluded from further
27 requirements and application under Amendment 621, now

1 appearing as Section 111.05 128 of the Official ReCompilation
2 of the Constitution of Alabama of 1901, as amended, because
3 the bill defines a new crime or amends the definition of an
4 existing crime.

5 Section 9. Sections 36-25-1.1, relating to lobbying,
6 and 36-25-6, relating to the use of contributions, of the Code
7 of Alabama 1975, are repealed.

8 Section 10. This act shall become effective
9 immediately following its passage and approval by the
10 Governor, or its otherwise becoming law.