

1 SJR11  
2 192139-5  
3 By Senators Orr, Reed and Marsh  
4 RFD: Rules  
5 First Read: 09-JAN-18

1 SJR11

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4 ENGROSSED

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6 CREATING THE CODE OF ETHICS REFORM AND CLARIFICATION  
7 COMMISSION.

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9 WHEREAS, in a representative democracy, the public  
10 has a right to: A government in which the public officials are  
11 independent and impartial; be confident in the integrity of  
12 the government; and be secure in the knowledge that the best  
13 qualified individuals are not discouraged from public service;  
14 and

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

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

24 WHEREAS, the Code of Ethics applies to more than  
25 300,000 individuals and their families, including individuals  
26 campaigning for or holding elected offices ranging from  
27 Governor to members of town councils; individuals holding

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

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

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

15 (a) The commission shall be comprised of the  
16 following members:

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

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

23 (3) The Legal Advisor to the Governor.

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

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

1 (6) The Solicitor General of Alabama.

2 (7) The Chief Examiner of the Department of  
3 Examiners of Public Accounts.

4 (8) A district attorney appointed by the Alabama  
5 District Attorneys Association.

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

8 (10) The Supernumerary District Attorney for the  
9 15th Judicial Circuit of Alabama.

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

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

14 (13) An individual appointed by the Association of  
15 County Commissions of Alabama.

16 (14) An individual appointed by the Alabama League  
17 of Municipalities.

18 (15) An individual appointed by the Alabama Council  
19 of Association Executives.

20 (16) An individual appointed by the Alabama Press  
21 Association.

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

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

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

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

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

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

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

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Senate

Introduced and referred to the Senate committee on Rules.....	09-JAN-18
Reported from Rules with 1 substitute and .....	01-MAR-18
Read for the third time and adopted as amended ...	01-MAR-18

Patrick Harris,  
Secretary.