

1 SB107  
2 115899-3  
3 By Senators Sanders, Smitherman, Barron, Benefield, Little  
4 (Z), Coleman, Dunn, Keahey, Singleton, Little (T), Denton,  
5 Poole, Mitchem and Ross  
6 RFD: Economic Expansion and Trade  
7 First Read: 12-JAN-10

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8 SYNOPSIS: This bill would increase the penalties for  
9 bribery of a public servant, failure to disclose a  
10 conflict of interest, and trading in public office.

11 This bill would prohibit a candidate or  
12 public official from soliciting contributions for  
13 certain purposes.

14 This bill would further define the terms  
15 lobbyist and thing of value for Ethics Law  
16 purposes; would require licensed attorneys to be  
17 appointed to the Ethics Commission; would provide  
18 further for the compensation of members of the  
19 commission and limit the service of the director to  
20 10 years; would allow online reporting; would  
21 provide for a procedure for the issuance of  
22 subpoenas; would limit legislators from  
23 representing clients before an executive department  
24 or agency; would limit a public official or public  
25 employee from contracting with certain educational  
26 institutions; would increase the fees for  
27 registered lobbyists; would provide further for the

1 reports of registered lobbyists; would increase the  
2 penalties for violations of the Ethics Law; would  
3 limit a public official or public employee who is a  
4 member of an awarding authority from accepting  
5 certain things of value and would provide penalties  
6 for violations; and would provide further for the  
7 filing of disclosure forms for certain travel by a  
8 public official or public employee.

9  
10 A BILL

11 TO BE ENTITLED

12 AN ACT

13  
14 To amend Sections 13A-10-61, 13A-10-62, 13A-10-63,  
15 17-5-7, 36-25-1, 36-25-3, 36-25-4, 36-25-10, 36-25-11,  
16 36-25-18, 36-25-19, and 36-25-27, Code of Alabama 1975,  
17 relating to certain crimes and the Ethics Law, to increase the  
18 penalties for bribery of a public servant, failure to disclose  
19 a conflict of interest, and trading in public office; to  
20 prohibit a candidate or public official from soliciting  
21 contributions for certain purposes; to further define the  
22 terms lobbyist and thing of value for Ethics Law purposes; to  
23 require licensed attorneys to be appointed to the Ethics  
24 Commission; to provide further for the compensation of members  
25 of the commission and limit the service of the director to 10  
26 years; to allow online reporting; to provide for a procedure  
27 for the issuance of subpoenas; to limit legislators from

1 representing clients before an executive department or agency;  
2 to limit a public official or public employee from contracting  
3 with certain educational institutions; to increase the fees  
4 for registered lobbyists; to provide further for the reports  
5 of registered lobbyists; to increase the penalties for  
6 violations of the Ethics Law; to limit a public official or  
7 public employee who is a member of an awarding authority from  
8 accepting certain things of value and to provide penalties for  
9 violations; and to provide further for the filing of  
10 disclosure forms for certain travel by a public official or  
11 public employee.

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

13 Section 1. Sections 13A-10-61, 13A-10-62, 13A-10-63,  
14 17-5-7, 36-25-1, 36-25-3, 36-25-4, 36-25-10, 36-25-11,  
15 36-25-18, 36-25-19, and 36-25-27, Code of Alabama 1975, are  
16 amended to read as follows:

17 "§13A-10-61.

18 "(a) A person commits the crime of bribery if:

19 "(1) He offers, confers or agrees to confer any  
20 thing of value upon a public servant with the intent that the  
21 public servant's vote, opinion, judgment, exercise of  
22 discretion or other action in his official capacity will  
23 thereby be corruptly influenced; or

24 "(2) While a public servant, he solicits, accepts or  
25 agrees to accept any pecuniary benefit upon an agreement or  
26 understanding that his vote, opinion, judgment, exercise of

1 discretion or other action as a public servant will thereby be  
2 corruptly influenced.

3 "(b) It is not a defense to a prosecution under this  
4 section that the person sought to be influenced was not  
5 qualified to act in the desired way, whether because he had  
6 not yet assumed office, lacked jurisdiction or for any other  
7 reason.

8 "(c) Bribery is a Class C felony.

9 "(d) A person convicted of bribery, in addition to  
10 imprisonment as provided by law, is subject to a fine of up to  
11 one hundred thousand dollars (\$100,000).

12 "§13A-10-62.

13 "(a) A public servant commits the crime of failing  
14 to disclose a conflict of interest if he exercises any  
15 substantial discretionary function in connection with a  
16 government contract, purchase, payment or other pecuniary  
17 transaction without advance public disclosure of a known  
18 potential conflicting interest in the transaction.

19 "(b) A "potential conflicting interest" exists, but  
20 is not limited to, when the public servant is a director,  
21 president, general manager or similar executive officer, or  
22 owns directly or indirectly a substantial portion of any  
23 nongovernmental entity participating in the transaction.

24 "(c) Public disclosure includes public announcement  
25 or notification to a superior officer or the Attorney General.

26 "(d) Failing to disclose a conflict of interest is a  
27 Class A misdemeanor.

1           "(e) A person convicted of failing to disclose a  
2 conflict of interest, in addition to imprisonment as provided  
3 by law, is subject to a fine of up to fifty thousand dollars  
4 (\$50,000).

5           "§13A-10-63.

6           "(a) A person is guilty of trading in public office  
7 if:

8           "(1) He offers, confers or agrees to confer any  
9 pecuniary benefit upon a public servant or party officer upon  
10 an agreement or understanding that he himself will or may be  
11 appointed to a public office or public employment or  
12 designated or nominated as a candidate for public office; or

13           "(2) While a public servant or party officer, he  
14 solicits, accepts or agrees to accept any pecuniary benefit  
15 from another upon an agreement or understanding that that  
16 person will or may be appointed to a public office or public  
17 employment or designated or nominated as a candidate for  
18 public office.

19           "(b) This section does not apply to contributions to  
20 political campaign funds or other political contributions.

21           "(c) Trading in public office is a Class A  
22 misdemeanor.

23           "(d) A person convicted of trading in public office,  
24 in addition to imprisonment as provided by law, is subject to  
25 a fine of up to fifty thousand dollars (\$50,000).

26           "§17-5-7.

1           "(a) A candidate, public official, or principal  
2 campaign committee as defined in this chapter, may only use  
3 campaign contributions, and any proceeds from investing the  
4 contributions that are in excess of any amount necessary to  
5 defray expenditures of the candidate, public official, or  
6 principal campaign committee, for the following purposes:

7           "(1) Necessary and ordinary expenditures of the  
8 campaign.

9           "(2) Expenditures that are reasonably related to  
10 performing the duties of the office held. For purposes of this  
11 section, expenditures that are reasonably related to  
12 performing the duties of the office held do not include  
13 personal and legislative living expenses, as defined in this  
14 chapter.

15           "(3) Donations to the State General Fund, the  
16 Education Trust Fund, or equivalent county or municipal funds.  
17 Donations to an organization to which a federal income tax  
18 deduction is permitted under subparagraph (A) of paragraph (1)  
19 of subsection (b) of Section 170 of the Internal Revenue Code  
20 of 1986, as amended, or any other charitable, educational, or  
21 eleemosynary cause of Section 501 of Title 26 of the U. S.  
22 Code.

23           "(4) Transfers to another political committee as  
24 defined in this chapter.

25           "(5) Inaugural or transitional expenses.

26           "(b) Notwithstanding any other provision of law,  
27 including, but not limited to, Section 13A-10-61, a candidate,

1 public official, or principal campaign committee may only  
2 accept, solicit, or receive contributions:

3 "(1) To influence the outcome of an election.

4 "(2) For a period of 12 months before an election in  
5 which the person intends to be a candidate. Provided, however,  
6 candidates for state office and their principal campaign  
7 committees may not accept, solicit, or receive contributions  
8 during the period when the Legislature is convened in session.  
9 For purposes of this section, the Legislature is convened in  
10 session at any time from the opening day of the special or  
11 regular session and continued through the day of adjournment  
12 sine die for that session. However, this subdivision shall not  
13 apply within 120 days of any primary, runoff, or general  
14 election, and shall not apply to the candidates or their  
15 principal campaign committees participating in any special  
16 election as called by the Governor. This subdivision shall not  
17 apply to a loan from a candidate to his or her own principal  
18 campaign committee.

19 "(3) For a period of 120 days after the election in  
20 which the person was a candidate, but only to the extent of  
21 any campaign debt of the candidate or principal campaign  
22 committee of the candidate as indicated on the campaign  
23 financial disclosure form or to the extent of reaching the  
24 threshold that is required for qualification as a candidate  
25 for the office which he or she currently holds, or both.



1           "(4) For the purpose of paying all expenses  
2 associated with an election challenge including, but not  
3 limited to, quo warranto challenges.

4           "(c) Notwithstanding any other provision of law,  
5 including, but not limited to, Section 13A-10-61, a candidate,  
6 public official, or principal campaign committee shall not  
7 accept, solicit, or receive contributions for any of the  
8 following reasons:

9           "(1) As a bribe, as defined by Sections 13A-10-60 to  
10 13A-10-63, inclusive.

11           "(2) For the intention of corruptly influencing the  
12 official actions of the public official or candidate for  
13 public office.

14           "(d) Notwithstanding any other provision of law, a  
15 candidate, public official, political party, or principal  
16 campaign committee shall not solicit or receive contributions  
17 in exchange for the following:

18           "(1) Access to constitutional officers, including:

19           "a. Exclusive dinners and receptions with a  
20 constitutional officer.

21           "b. Correspondence from a constitutional officer,  
22 including, without limitation, letters, cards, and electronic  
23 mail.

24           "c. Telephone calls, conference calls, or meetings  
25 with a constitutional officer.

26           "d. A trip with a constitutional officer.

27           "(2) Gifts.

1           "§36-25-1.

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

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

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

13           "(3) CANDIDATE. This term as used in this chapter  
14 shall have the same meaning ascribed to it in Section  
15 17-22A-2.

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

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

19           "(6) COMPLAINANT. A person who alleges a violation  
20 or violations of this chapter by filing a complaint against a  
21 respondent.

22           "(7) CONFIDENTIAL INFORMATION. A complaint filed  
23 pursuant to this chapter, together with any statement,  
24 conversations, knowledge of evidence, or information received  
25 from the complainant, witness, or other person related to such  
26 complaint.

1           "(8) CONFLICT OF INTEREST. A conflict on the part of  
2 a public official or public employee between his or her  
3 private interests and the official responsibilities inherent  
4 in an office of public trust. A conflict of interest involves  
5 any action, inaction, or decision by a public official or  
6 public employee in the discharge of his or her official duties  
7 which would materially affect his or her financial interest or  
8 those of his or her family members or any business with which  
9 the person is associated in a manner different from the manner  
10 it affects the other members of the class to which he or she  
11 belongs. A conflict of interest shall not include any of the  
12 following:

13           "a. A loan or financial transaction made or  
14 conducted in the ordinary course of business.

15           "b. An occasional nonpecuniary award publicly  
16 presented by an organization for performance of public  
17 service.

18           "c. Payment of or reimbursement for actual and  
19 necessary expenditures for travel and subsistence for the  
20 personal attendance of a public official or public employee at  
21 a convention or other meeting at which he or she is scheduled  
22 to meaningfully participate in connection with his or her  
23 official duties and for which attendance no reimbursement is  
24 made by the state.

25           "d. Any campaign contribution, including the  
26 purchase of tickets to, or advertisements in journals, for  
27 political or testimonial dinners, if the contribution is

1 actually used for political purposes and is not given under  
2 circumstances from which it could reasonably be inferred that  
3 the purpose of the contribution is to substantially influence  
4 a public official in the performance of his or her official  
5 duties.

6 "(9) DAY. Calendar day.

7 "(10) DEPENDENT. Any person, regardless of his or  
8 her legal residence or domicile, who receives 50 percent or  
9 more of his or her support from the public official or public  
10 employee or his or her spouse or who resided with the public  
11 official or public employee for more than 180 days during the  
12 reporting period.

13 "(11) FAMILY MEMBER OF THE PUBLIC EMPLOYEE. The  
14 spouse or a dependent of the public employee.

15 "(12) FAMILY MEMBER OF THE PUBLIC OFFICIAL. The  
16 spouse, a dependent, an adult child and his or her spouse, a  
17 parent, a spouse's parents, a sibling and his or her spouse,  
18 of the public official.

19 "(13) GOVERNMENTAL CORPORATIONS AND AUTHORITIES.  
20 Public or private corporations and authorities, including but  
21 not limited to, hospitals or other health care corporations,  
22 established pursuant to state law by state, county or  
23 municipal governments for the purpose of carrying out a  
24 specific governmental function. Notwithstanding the foregoing,  
25 all employees, including contract employees, of hospitals or  
26 other health care corporations and authorities are exempt from  
27 the provisions of this chapter.

1           "(14) HOUSEHOLD. The public official, public  
2 employee, and his or her spouse and dependents.

3           "(15) LAW ENFORCEMENT OFFICER. A full-time employee  
4 of a governmental unit responsible for the prevention or  
5 investigation of crime who is authorized by law to carry  
6 firearms, execute search warrants, and make arrests.

7           "(16) LEGISLATIVE BODY. The Senate of Alabama, the  
8 House of Representatives of Alabama, a county commission, city  
9 council, city commission, town council, or municipal council  
10 or commission, and any committee or subcommittee thereof.

11           "(17) LOBBYING. The practice of promoting, opposing,  
12 or in any manner influencing or attempting to influence the  
13 introduction, defeat, or enactment of legislation before any  
14 legislative body; opposing or in any manner influencing the  
15 executive approval, veto, or amendment of legislation; or the  
16 practice of promoting, opposing, or in any manner influencing  
17 or attempting to influence the enactment, promulgation,  
18 modification, or deletion of regulations before any regulatory  
19 body; provided, however, that providing public testimony  
20 before a legislative body or regulatory body or any committee  
21 thereof shall not be deemed lobbying.

22           "(18) LOBBYIST.

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

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

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

4           "3. A person who expends in excess of one hundred  
5 dollars (\$100) for a thing of value, not including funds  
6 expended for travel, subsistence expenses, and literature,  
7 buttons, stickers, publications, or other acts of free speech,  
8 during a calendar year to lobby.

9           "4. A consultant to the state, county, or municipal  
10 levels of government or their instrumentalities, in any manner  
11 employed to influence legislation or regulation, regardless  
12 whether the consultant is paid in whole or part from state,  
13 county, municipal, or private funds.

14           "5. An employee, a paid consultant, or a member of  
15 the staff of a lobbyist, whether or not he or she is paid, who  
16 regularly communicates with members of a legislative body  
17 regarding pending legislation and other matters ~~while the~~  
18 ~~legislative body is in session~~ and persons involved in  
19 strategizing, planning, and research if performed in  
20 connection with, or for use in, an actual communication with a  
21 government employee for purposes of communicating with members  
22 of a legislative body regarding pending legislation and other  
23 legislative matters.

24           "6. A person seeking to obtain a contract with  
25 state, county, or municipal levels of government or their  
26 instrumentalities on behalf of a third person and persons  
27 involved in strategizing, planning, and research if performed

1 in connection with, or for use in, an actual communication  
2 with a government or its instrumentalities on behalf of a  
3 third person.

4 "b. The term lobbyist does not include any of the  
5 following:

6 "1. A member of a legislative body on a matter which  
7 involves that person's official duties.

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

15 "3. Reporters and editors while pursuing normal  
16 reportorial and editorial duties.

17 "4. Any citizen not expending funds as set out above  
18 in paragraph a.3. or not lobbying for compensation who  
19 contacts a member of a legislative body, or gives public  
20 testimony on a particular issue or on particular legislation,  
21 or for the purpose of influencing legislation and who is  
22 merely exercising his or her constitutional right to  
23 communicate with members of a legislative body.

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

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

8           "7. A person providing information in writing in  
9 response to a written request from a public officer or public  
10 employee of the executive or legislative branch or an  
11 authority for technical advice or factual information  
12 regarding a standard rate, rule or regulation, policy, or  
13 procurement.

14           "(19) MINOR VIOLATION. Any violation of this chapter  
15 in which the public official or public employee receives an  
16 economic gain in an amount less than two hundred fifty dollars  
17 (\$250) or the governmental entity has an economic loss of less  
18 than two hundred fifty dollars (\$250).

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

22           "(21) PRINCIPAL. A person or business which employs,  
23 hires, or otherwise retains a lobbyist. Nothing in this  
24 chapter shall be deemed to prohibit a principal from  
25 simultaneously serving as his or her own lobbyist.

26           "(22) PROBABLE CAUSE. A finding that the allegations  
27 are more likely than not to have occurred.



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

13           "(24) PUBLIC OFFICIAL. Any person elected to public  
14 office, whether or not that person has taken office, by the  
15 vote of the people at state, county, or municipal level of  
16 government or their instrumentalities, including governmental  
17 corporations, and any person appointed to a position at the  
18 state, county, or municipal level of government or their  
19 instrumentalities, including governmental corporations. For  
20 purposes of this chapter, a public official includes the  
21 chairs and vice-chairs or the equivalent offices of each state  
22 political party as defined in Section 17-16-2.

23           "(25) REGULATORY BODY. A state agency which issues  
24 regulations in accordance with the Alabama Administrative  
25 Procedure Act or a state, county, or municipal department,  
26 agency, board, or commission which controls, according to rule

1 or regulation, the activities, business licensure, or  
2 functions of any group, person, or persons.

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

6 "(27) REPORTING YEAR. The reporting official's or  
7 employee's fiscal tax year as it applies to his or her United  
8 States personal income tax return.

9 "(28) RESPONDENT. A person alleged to have violated  
10 a provision of this chapter and against whom a complaint has  
11 been filed with the commission.

12 "(29) STATEMENT OF ECONOMIC INTERESTS. A financial  
13 disclosure form made available by the commission which shall  
14 be completed and filed with the commission prior to April 30  
15 of each year covering the preceding calendar year by certain  
16 public officials and public employees.

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

25 "(31) THING OF VALUE.

26 "a. Any gift, benefit, favor, service, gratuity,  
27 tickets or passes to an entertainment, social or sporting

1 event offered only to public officials, unsecured loan, other  
2 than those loans made in the ordinary course of business,  
3 reward, promise of future employment, or honoraria.

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

7 "1. Campaign contribution.

8 ~~"2. Seasonal gifts of an insignificant economic  
9 value of less than one hundred dollars (\$100) if the aggregate  
10 value of such gifts from any single donor is less than two  
11 hundred fifty dollars (\$250) during any one calendar year.~~

12 ~~"3. Hospitality extended to a public official,  
13 public employee, and his or her respective household as a  
14 social occasion in the form of food and beverages where the  
15 provider is present, lodging in the continental United States  
16 and Alaska incidental to the social occasion, and tickets to  
17 social or sporting events if the hospitality does not extend  
18 beyond three consecutive days and is not continuous in nature  
19 and the aggregate value of such hospitality in excess of two  
20 hundred fifty dollars (\$250) within a calendar day is reported  
21 to the commission by the provider provided that the reporting  
22 requirement contained in this section shall not apply where  
23 the expenditures are made to or on behalf of an organization  
24 to which a federal income tax deduction is permitted under  
25 subparagraph (A) of paragraph (1) of subsection (b) of Section  
26 170 of the Internal Revenue Code of 1986, as amended, or any  
27 charitable, education or eleemosynary cause of Section 501 of~~

1 ~~Title 26 of the U.S. Code, and where the public official or~~  
2 ~~public employee does not receive any direct financial benefit.~~  
3 ~~The reporting shall include the name or names of the recipient~~  
4 ~~or recipients, the value of the entire expenditure, the date~~  
5 ~~or dates of the expenditure, and the type of expenditure.~~

6 "2. Items with little intrinsic value which are  
7 intended solely for presentation, such as plaques,  
8 certificates, and trophies.

9 "3. Modest food and beverages, such as soft drinks,  
10 coffee, and donuts, offered other than as part of a meal.

11 "4. Reasonable transportation, food and beverages  
12 where the provider is present, and lodging expenses in the  
13 continental United States and Alaska which are provided in  
14 conjunction with an ~~educational or informational purpose~~  
15 economic development purpose or trade mission, together with  
16 any hospitality associated therewith; provided, that such  
17 hospitality is less than 50 percent of the time spent at such  
18 event, and provided further that ~~if the aggregate value of~~  
19 ~~such transportation, lodging, food, beverages, and any~~  
20 ~~hospitality provided to such public employee, public official,~~  
21 ~~and his or her respective household is in excess of two~~  
22 ~~hundred fifty dollars (\$250) within a calendar day the total~~  
23 ~~amount expended shall be reported to the commission by the~~  
24 ~~provider. The reporting shall include the name or names of the~~  
25 ~~recipient or recipients, the value of the entire expenditure,~~  
26 ~~the date or dates of the expenditure, and the type of~~  
27 ~~expenditure.~~

1           ~~"5. Payment of or reimbursement for actual and~~  
2           ~~necessary expenditures for travel and subsistence of a public~~  
3           ~~official or public employee in connection with an economic~~  
4           ~~development research or trade mission, or for attendance at a~~  
5           ~~mission or meeting in which he or she is scheduled to~~  
6           ~~meaningfully participate, or regarding matters related to his~~  
7           ~~or her official duties, and for which attendance no~~  
8           ~~reimbursement is made by the state; provided, that any~~  
9           ~~hospitality in the form of entertainment, recreation, or~~  
10           ~~sporting events shall constitute less than 25% of the time~~  
11           ~~spent in connection with the event. If the aggregate value of~~  
12           ~~any such hospitality extended to the public employee, public~~  
13           ~~official, and his or her respective household is in excess of~~  
14           ~~two hundred fifty dollars (\$250) within a calendar day, the~~  
15           ~~total amount expended for that day shall be reported to the~~  
16           ~~commission by the provider. The reporting shall include the~~  
17           ~~name or names of the recipient or recipients, the value of~~  
18           ~~such expenditures, the date or dates of the expenditure, and~~  
19           ~~the type of expenditure.~~

20           ~~"6.5.~~ Promotional items commonly distributed to the  
21           general public and food or beverages of a nominal value.

22           "6.c. Nothing in this chapter shall be deemed to  
23           limit, prohibit, or otherwise require the disclosure of a  
24           personal gift made to a public official or public employee  
25           from a spouse, intended spouse, dependent, adult child,  
26           sibling, parent, grandparent, uncle, aunt, nephews, nieces or

1 cousins of the public official or public employee, except as  
2 otherwise provided by law.

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

7 "(32) VALUE. The fair market price of a like item if  
8 purchased by a private citizen.

9 "\$36-25-3.

10 "(a) There is hereby created a State Ethics  
11 Commission composed of five members, each of whom shall be a  
12 fair, equitable citizen of this state and of high moral  
13 character and ability. The following persons shall not be  
14 eligible to be appointed as members: (1) a public official;  
15 (2) a candidate; (3) a registered lobbyist and his or her  
16 principal; or (4) a former employee of the commission. For  
17 purposes of this section, a public official shall not be  
18 deemed to include a part-time municipal judge and a registered  
19 lobbyist shall not be deemed to include a person whose  
20 lobbying activities are limited to providing public testimony  
21 to a legislative body or regulatory body or committee thereof.  
22 ~~No member~~ Members of the commission shall be eligible for  
23 reappointment to succeed himself or herself. The members of  
24 the commission shall be appointed by the following officers:  
25 the Governor, the Lieutenant Governor, or in the absence of a  
26 Lieutenant Governor, the Presiding Officer of the Senate, and  
27 the Speaker of the House of Representatives and shall assume

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

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

21 "Beginning with the first vacancy on the Ethics  
22 Commission after October 1, 2010, there shall be at least two  
23 Alabama State Bar licensees. Any vacancy thereafter occurring  
24 on the commission shall also be filled by an Alabama State Bar  
25 licensee if there are not two licensees serving on the  
26 commission at that time.

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

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

13           "(d) Members of the commission shall, while serving  
14 on the business of the commission, ~~be entitled to receive~~  
15 ~~compensation at the rate of fifty dollars (\$50) per day, and~~  
16 ~~each member shall be paid his or her travel expenses incurred~~  
17 ~~in the performance of his or her duties as a member of the~~  
18 ~~commission as other state employees and officials are paid~~  
19 ~~when approved by the chair~~ receive the same per diem and  
20 travel allowance as is paid to state employees for each day's  
21 attendance at the meetings of the commission and incurred in  
22 the discharge of his or her duties as a member of the  
23 commission in addition to any daily compensation or allowance,  
24 if any, as may be provided by the commission in such amounts  
25 as may be determined by the commission. If for any reason a  
26 member of the commission wishes not to claim and accept the  
27 compensation or travel expenses, the member shall inform the



1 director, in writing, of the refusal. The member may at any  
2 time during his or her term begin accepting compensation or  
3 travel expenses; however, the member's refusal for any covered  
4 period shall act as an irrevocable waiver for that period.

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

13 "(f) The commission shall appoint a full-time  
14 director. The director shall serve at the pleasure of the  
15 commission and shall appoint such other employees as needed.  
16 Notwithstanding the foregoing, no director shall serve for a  
17 term of more than 10 years. All such employees, except the  
18 director, shall be employed subject to the provisions of the  
19 state Merit System law, and their compensation shall be  
20 prescribed pursuant to such law. The employment of attorneys  
21 shall be subject to subsection (h). The compensation of the  
22 director shall be fixed by the commission, payable as the  
23 salaries of other state employees. The director shall be  
24 responsible for the administrative operations of the  
25 commission and shall administer this chapter in accordance  
26 with the commission's policies. No regulation shall be  
27 implemented by the director until adopted by the commission in

1 accordance with Sections 41-22-1 to 41-22-27, inclusive, the  
2 Alabama Administrative Procedure Act.

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

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

1 provided however, nothing in this chapter shall be deemed as a  
2 direct grant of subpoena power to the commission.

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

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

18 "§36-25-4.

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

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

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

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

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

7           "(5) Make reports and statements filed with the  
8 commission available during regular business hours and online  
9 via the Internet to public inquiry subject to such regulations  
10 as the commission may prescribe including, but not limited to,  
11 regulations requiring identification by name, occupation,  
12 address, and telephone number of each person examining  
13 information on file with the commission.

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

24           "(7) Make investigations with respect to statements  
25 filed pursuant to this chapter, and with respect to alleged  
26 failures to file, or omissions contained therein, any  
27 statement required pursuant to this chapter and, upon

1 complaint by any individual, with respect to alleged violation  
2 of any part of this chapter to the extent authorized by law  
3 when in its opinion a thorough audit of any person or any  
4 business should be made in order to determine whether this  
5 chapter has been violated, the commission shall direct the  
6 Examiner of Public Accounts to have an audit made and a report  
7 thereof filed with the commission. The Examiner of Public  
8 Accounts shall, upon receipt of the directive, comply  
9 therewith.

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

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

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

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

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

17 "(12) Submit an annual report at the close of each  
18 fiscal year, or as soon thereafter as practicable, to the  
19 Legislature and the Governor concerning the actions it has  
20 taken, the name, salary, and duties of the director, the names  
21 and duties of all individuals in its employ, the funds it has  
22 disbursed, other relevant matters within its jurisdiction, and  
23 such recommendations for legislation as the commission deems  
24 appropriate.

25 "(b) A complaint filed pursuant to this chapter,  
26 together with any statement, evidence, or information received  
27 from the complainant, witnesses, or other persons shall be

1 protected by and subject to the same restrictions relating to  
2 secrecy and nondisclosure of information, conversation,  
3 knowledge, or evidence of Sections 12-16-214 to 12-16-216,  
4 inclusive. Such restrictions shall apply to all investigatory  
5 activities taken by the director, the commission or a member  
6 thereof, staff, employees, or any person engaged by the  
7 commission in response to a complaint filed with the  
8 commission and to all proceedings relating thereto before the  
9 commission.

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

1 reasonable cause does not exist, the charges shall be  
2 dismissed, but such action must be reported to the commission.  
3 The commission shall be entitled to authorize an investigation  
4 upon a unanimous written consent of all five (5) commission  
5 members, upon an express finding that probable cause exists  
6 that a violation or violations of this chapter have occurred.  
7 A complaint may be initiated by the unanimous vote of the  
8 commission, provided, however, that the commission shall not  
9 conduct the hearing, but rather the hearing shall be conducted  
10 by three (3) active or retired judges, who shall be appointed  
11 by the Chief Justice of the Alabama Supreme Court, at least  
12 one of whom shall be Black. The three (3) judge panel shall  
13 conduct the hearing in accordance with the procedures  
14 contained in this chapter and in accordance with the rules and  
15 regulations of the commission. If the three (3) judge panel  
16 unanimously finds that a person covered by this chapter has  
17 violated it, the three (3) judge panel shall forward the case  
18 to the district attorney for the jurisdiction in which the  
19 alleged acts occurred or to the Attorney General. In all  
20 matters that come before the commission concerning a complaint  
21 on an individual, the laws of due process shall apply.

22 "(d) Not less than 45 days prior to any hearing  
23 before the commission, the respondent shall be given notice  
24 that a complaint has been filed against him or her and shall  
25 be given a summary of the charges contained therein. Upon the  
26 timely request of the respondent, a continuance of the hearing  
27 for not less than 30 days shall be granted for good cause



1 shown. The respondent charged in the complaint shall have the  
2 right to be represented by retained legal counsel. The  
3 commission may not require the respondent to be a witness  
4 against himself or herself.

5 "(e) By majority vote, petition the Office of the  
6 Attorney General to issue subpoenas on behalf of the  
7 commission for the purpose of obtaining documents and  
8 compelling the attendance of witnesses at hearings, which  
9 subpoenas shall be issued in a timely manner.

10 "(e)(f) The commission shall provide discovery to  
11 the respondent pursuant to the Alabama Rules of Criminal  
12 Procedure as promulgated by the Alabama Supreme Court.

13 "(f)(g) (1) All fees, penalties, and fines collected  
14 by the commission pursuant to this chapter shall be deposited  
15 into the State General Fund.

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

21 "(g)(h) If the commission finds cause that a person  
22 covered by this chapter has violated it, the case and the  
23 commission's findings shall be forwarded to the district  
24 attorney for the jurisdiction in which the alleged acts  
25 occurred or to the Attorney General. The case, along with the  
26 commission's findings, shall be referred for appropriate legal  
27 action. Nothing in this section shall be deemed to limit the

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

4 "§36-25-10.

5 "If a public official or public employee, or family  
6 member of the public employee or family member of the public  
7 official, or a business with which the person is associated,  
8 represents a client or constituent for a fee before any  
9 quasi-judicial board or commission, regulatory body, or  
10 executive department or agency, notice of the representation  
11 shall be given within 10 days after the first day of the  
12 appearance. Notice shall be filed with the commission in the  
13 manner prescribed by it. No member of the Legislature shall  
14 for a fee, reward, or other compensation represent any person,  
15 firm, or corporation before the Public Service Commission or  
16 the State Board of Adjustment. No member of the Legislature  
17 shall, for a fee, reward, or other compensation, in addition  
18 to that received in his or her official capacity, represent  
19 any person, firm, corporation, or other business entity before  
20 an executive department or agency.

21 "§36-25-11.

22 "Unless exempt pursuant to Alabama competitive bid  
23 laws or otherwise permitted by law, no public official or  
24 public employee, or a member of the household of the public  
25 employee or the public official, and no business with which  
26 the person is associated shall enter into any contract to  
27 provide goods or services which is to be paid in whole or in

1 part out of state, county, or municipal funds or enter into a  
2 contract with any public university or two-year college or  
3 athletic department associated with a public two-year or  
4 four-year college in the state unless the contract has been  
5 awarded through a process of competitive bidding and a copy of  
6 the contract is filed with the commission. All such contract  
7 awards shall be made as a result of original bid takings, and  
8 no awards from negotiations after bidding shall be allowed. A  
9 copy of each contract, regardless of the amount, entered into  
10 by a public official, public employee, a member of the  
11 household of the public employee or the public official, and  
12 any business with which the person is associated shall be  
13 filed with the commission within 10 days after the contract  
14 has been entered into.

15 "§36-25-18.

16 "(a) Every lobbyist shall register by filing a form  
17 prescribed by the commission no later than January 31 of each  
18 year or within 10 days after the first undertaking requiring  
19 such registration. Each lobbyist, except public employees who  
20 are lobbyists, shall pay an annual fee of ~~one hundred dollars~~  
21 ~~(\$100)~~ two hundred fifty dollars (\$250) on or before January  
22 31 of each year or within 10 days of the first undertaking  
23 requiring such registration. Notwithstanding the foregoing, a  
24 lobbyist exclusively employed by a tax exempt organization  
25 shall pay an annual fee of one hundred dollars (\$100) on or  
26 before January 31 of each year or within 10 days of the first  
27 undertaking requiring registration.

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

3           "(1) The registrant's full name and business  
4 address.

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

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

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

12           "(5) If a registrant's activity is done on behalf of  
13 the members of a group other than a corporation, a categorical  
14 disclosure of the number of persons of the group as follows:  
15 1-5; 6-10; 11-25; over 25.

16           "(6) A statement signed by each principal that he or  
17 she has read the registration, knows its contents and has  
18 authorized the registrant to be a lobbyist in his or her  
19 behalf as specified therein, and that no compensation will be  
20 paid to the registrant contingent upon passage or defeat of  
21 any legislative measure.

22           "(c) A registrant shall file a supplemental  
23 registration indicating any substantial change or changes in  
24 the information contained in the prior registration within 10  
25 days after the date of the change.

26           "§36-25-19.

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

9           "(1) The cost of those items excluded from the  
10 definition of a thing of value which are described in Section  
11 36-25-1(32)b. and which are expended within a 24-hour period  
12 on a public official, public employee, and members of his or  
13 her respective household ~~in excess of two hundred fifty~~  
14 ~~dollars (\$250)~~ with the name or names of the recipient or  
15 recipients and the date of the expenditure.

16           "(2) The nature and date of any financial  
17 transaction between the public official, candidate, or member  
18 of the household of such public official or candidate and the  
19 lobbyist or principal ~~of a value in excess of five hundred~~  
20 ~~dollars (\$500)~~ in the prior quarter, excluding those financial  
21 transactions which are required to be reported by candidates  
22 under the Fair Campaign Practices Act as provided in Chapter  
23 22A (commencing with Section 17-22A-1) of Title 17.

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

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

6           "(b) Any person not otherwise deemed a lobbyist  
7 pursuant to this chapter who negotiates or attempts to  
8 negotiate a contract, sells or attempts to sell goods or  
9 services, engages or attempts to engage in a financial  
10 transaction with a public official or public employee in their  
11 official capacity and who within a calendar day expends ~~in~~  
12 ~~excess of two hundred fifty dollars (\$250)~~ monies on such  
13 public employee, public official, and his or her respective  
14 household shall file a detailed quarterly report of the  
15 expenditure with the commission.

16           "(c) Any other provision of this chapter to the  
17 contrary notwithstanding, no organization whose officer or  
18 employee serves as a public official under this chapter shall  
19 be required to report expenditures or reimbursement paid to  
20 such officer or employee in the performance of the duties with  
21 the organization.

22           "§36-25-27.

23           "(a) (1) Except as otherwise provided, any person  
24 subject to this chapter who intentionally violates any  
25 provision of this chapter other than those for which a  
26 separate penalty is provided for in this section shall, upon  
27 conviction, be guilty of a Class B felony and, in addition to

1 other penalties provided by law, shall be subject to a fine of  
2 up to one hundred thousand dollars (\$100,000).

3 "(2) Any person subject to this chapter who violates  
4 any provision of this chapter other than those for which a  
5 separate penalty is provided for in this section shall, upon  
6 conviction, be guilty of a Class A misdemeanor and, in  
7 addition to other penalties provided by law, shall be subject  
8 to a fine of up to fifty thousand dollars (\$50,000).

9 "(3) Any person subject to this chapter who  
10 knowingly violates any disclosure requirement of this chapter  
11 shall, upon conviction, be guilty of a Class A misdemeanor  
12 and, in addition to other penalties provided by law, shall be  
13 subject to a fine of up to fifty thousand dollars (\$50,000).

14 "(4) Any person who knowingly makes or transmits a  
15 false report or complaint pursuant to this chapter shall, upon  
16 conviction, be guilty of a Class A misdemeanor and shall be  
17 liable for the actual legal expenses incurred by the  
18 respondent against whom the false report or complaint was  
19 filed and, in addition to other penalties provided by law,  
20 shall be subject to a fine of up to fifty thousand dollars  
21 (\$50,000).

22 "(5) Any person who makes false statements to an  
23 employee of the commission or to the commission itself  
24 pursuant to this chapter without reason to believe the  
25 accuracy of the statements shall, upon conviction, be guilty  
26 of a Class A misdemeanor and, in addition to other penalties

1 provided by law, shall be subject to a fine of up to fifty  
2 thousand dollars (\$50,000).

3 "(6) Any person subject to this chapter who  
4 intentionally violates this chapter relating to secrecy shall,  
5 upon conviction, be guilty of a Class A misdemeanor and, in  
6 addition to other penalties provided by law, shall be subject  
7 to a fine of up to fifty thousand dollars (\$50,000).

8 "(7) Any person subject to this chapter who  
9 intentionally fails to disclose information required by this  
10 chapter shall, upon conviction, be guilty of a Class A  
11 misdemeanor and, in addition to other penalties provided by  
12 law, shall be subject to a fine of up to fifty thousand  
13 dollars (\$50,000).

14 "(b) The commission if petitioned or agreed to by a  
15 respondent and the Attorney General or district attorney  
16 having jurisdiction, by unanimous vote of the members present  
17 may administratively resolve a complaint filed pursuant to  
18 this chapter for minor violations. The commission may levy an  
19 administrative penalty not to exceed ~~one thousand dollars~~  
20 ~~(\$1,000)~~ twenty thousand dollars (\$20,000) for any minor  
21 violation of this chapter including, but not limited to, the  
22 failure to timely file a complete and correct statement of  
23 economic interests. The commission shall, in addition to any  
24 administrative penalty, order restitution in the amount of any  
25 economic loss to the state, county, and municipal governments  
26 and their instrumentalities and such restitution shall when  
27 collected be paid by the commission, to the entity having the



1 economic loss. In any case in which an administrative penalty  
2 is imposed, the administrative penalty shall not be less than  
3 three times the amount of any economic loss to the state,  
4 county, and municipal governments or their instrumentalities  
5 or any economic gain or benefit to the public official or  
6 public employee, or whichever sum is greater. The commission,  
7 through its attorney, shall institute proceedings to recover  
8 any penalties or restitution or other such funds so ordered  
9 pursuant to this section which are not paid by, or on behalf  
10 of the public official or public employee or other person who  
11 has violated this chapter. Nothing in this section shall be  
12 deemed in any manner to prohibit the commission and the  
13 respondent from entering into a consent decree settling a  
14 complaint which has previously been designated by the  
15 commission for administrative resolution, so long as the  
16 consent decree is approved by the commission. If the  
17 commission, the respondent, and the Attorney General or  
18 district attorney having jurisdiction, all concur that a  
19 complaint is deemed to be handled administratively, the action  
20 shall preclude any criminal prosecution pursuant to this  
21 chapter at the state, county, or municipal level.

22 "(c) The enforcement of this chapter shall be vested  
23 in the commission; provided however, nothing in this chapter  
24 shall be deemed to limit or otherwise prohibit the Attorney  
25 General or the district attorney for the appropriate  
26 jurisdiction from enforcing any provision of this chapter as  
27 they deem appropriate. In the event the commission, by

1 majority vote, finds that any provision of this chapter has  
2 been violated, the alleged violation and any investigation  
3 conducted by the commission shall be referred to the district  
4 attorney of the appropriate jurisdiction or the Attorney  
5 General. The commission shall provide any and all appropriate  
6 assistance to such district attorney or Attorney General. Upon  
7 the request of such district attorney or the Attorney General,  
8 the commission may institute, prosecute, or take such other  
9 appropriate legal action regarding such violations, proceeding  
10 therein with all rights, privileges, and powers conferred by  
11 law upon assistant attorneys general.

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 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 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 nor is  
14 to be construed as repealing in any way the provisions of any  
15 of the criminal laws of this state."

16 Section 2. No public official or public employee or  
17 a family member of the public official or public employee who  
18 is a member, employee, or agent of an awarding authority shall  
19 knowingly receive, accept, seek, or solicit, directly or  
20 indirectly, for himself, herself, or another individual any  
21 pecuniary benefit, including, but not limited to, gifts,  
22 travel, food, beverages, or campaign contributions, if the  
23 provider of the thing of value is seeking or has a public  
24 contract with the awarding authority of which the public  
25 official, public employee, or legislator is a member,  
26 employee, or agent.

1           A person violating this section shall, upon  
2 conviction, be guilty of a Class C felony and any contract  
3 awarded to such person shall be void ab initio.

4           Section 3. (a) Any public official or public  
5 employee who travels for educational or economic development  
6 purposes outside the state and who travel is paid for by  
7 resources other than state resources, personal resources, or  
8 resources from associations for which the public official or  
9 public employee is a member in his or her official capacity  
10 must file a disclosure form with the Ethics Commission stating  
11 the following:

12                   (1) Purpose of the travel.

13                   (2) Dates of travel.

14                   (3) Cost of travel including transportation,  
15 lodging, and food.

16                   (4) Means of travel.

17                   (5) All persons traveling for the purpose of the  
18 educational or economic development matter.

19                   (6) Person or persons paying for the travel.

20           (b) The Ethics Commission shall develop a form that  
21 may be used in reporting the travel governed by subsection  
22 (a). The completed form shall be available for public  
23 inspection via the Internet.

24           Section 4. This act shall become effective  
25 immediately following its passage and approval by the  
26 Governor, or its otherwise becoming law.