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3 HOUSE ETHICS AND CAMPAIGN FINANCE COMMITTEE SUBSTITUTE FOR  
4 HB334

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9 SYNOPSIS: Under existing law, certain government  
10 employees must annually file with the Ethics  
11 Commission a statement of economic interests, which  
12 includes, among other things, the residential  
13 address and businesses of the employee and the  
14 names, residential addresses, and businesses of  
15 certain relatives of the employee. An undercover  
16 law enforcement officer may request that the names  
17 of relatives provided in the officer's statement of  
18 economic interests be exempt from public scrutiny  
19 by filing an affidavit stating that publicizing  
20 this information would potentially endanger the  
21 officer's family.

22 This bill would exempt from public scrutiny  
23 all identifiable information with regard to law  
24 enforcement officers, including the names and  
25 addresses of family members, without having to file  
26 an affidavit.

1                   This bill would also require the Ethics  
2                   Commission to remove from public disclosure the  
3                   names and addresses of family members of a law  
4                   enforcement officer or district attorney listed on  
5                   past economic statements if so requested.

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7                   A BILL  
8                   TO BE ENTITLED  
9                   AN ACT

10  
11                   Relating to public records pertaining to law  
12                   enforcement officers; to amend Sections 36-25-14 and 41-13-7,  
13                   Code of Alabama 1975; to exempt from public scrutiny all  
14                   identifiable information with regard to law enforcement  
15                   officers and district attorneys, including the names and  
16                   addresses of certain family members; and to require the Ethics  
17                   Commission to remove from public disclosure the names and  
18                   addresses of family members of a law enforcement officer or  
19                   district attorney listed on past economic statements if so  
20                   requested.

21                   BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

22                   Section 1. Sections 36-25-14 and 41-13-7, Code of  
23                   Alabama 1975, are amended to read as follows:

24                   "§36-25-14.

25                   "(a) A statement of economic interests shall be  
26                   completed and filed in accordance with this chapter with the  
27                   commission no later than April 30 of each year covering the

1 period of the preceding calendar year by each of the  
2 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 public official and  
7 any person employed as a public employee at the state, county,  
8 or municipal level of government or their instrumentalities  
9 who occupies a position whose base pay is seventy-five  
10 thousand dollars (\$75,000) or more annually, as adjusted by  
11 the commission by January 31 of each year to reflect changes  
12 in the U.S. Department of Labor's Consumer Price Index, or a  
13 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) Members of the Alabama Ethics Commission;  
19 appointed members of boards and commissions having statewide  
20 jurisdiction (but excluding members of solely advisory  
21 boards).

22 "(5) All full-time nonmerit employees, other than  
23 those employed in maintenance, clerical, secretarial, or other  
24 similar positions.

25 "(6) Chief clerks and chief managers.

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

27 "(8) Chief administrators.

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

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

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

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

1           "(1) Name, residential address, business; name,  
2 address, and business of living spouse and dependents; name of  
3 living adult children; name of parents and siblings; and name  
4 of living parents of spouse;~~;. Undercover law enforcement~~  
5 ~~officers may have their residential addresses and the names of~~  
6 ~~family members removed from public scrutiny by filing an~~  
7 ~~affidavit stating that publicizing this information would~~  
8 ~~potentially endanger their families~~ provided, however, all  
9 identifying information shall be exempt from public disclosure  
10 in accordance with Section 41-13-7; and provided further that  
11 the commission shall redact from its website and from public  
12 disclosure the names and addresses of family members listed on  
13 statements filed for calendar years before 2017 if so  
14 requested by any employee as defined in Section 41-13-7.

15           "(2) A list of occupations to which one third or  
16 more of working time was given during previous reporting year  
17 by the public official, public employee, or his or her spouse.

18           "(3) A listing of total combined household income of  
19 the public official or public employee during the most recent  
20 reporting year as to income from salaries, fees, dividends,  
21 profits, commissions, and other compensation and listing the  
22 names of each business and the income derived from such  
23 business in the following categorical amounts: less than one  
24 thousand dollars (\$1,000); at least one thousand dollars  
25 (\$1,000) and less than ten thousand dollars (\$10,000); at  
26 least ten thousand dollars (\$10,000) and less than fifty  
27 thousand dollars (\$50,000); at least fifty thousand dollars

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

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

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

24 "(5) If retainers are in existence or contracted for  
25 in any of the above categories of clients, a listing of the  
26 categories along with the anticipated income to be expected  
27 annually from each category of clients shall be shown in the



1 following categorical amounts: Less than one thousand dollars  
2 (\$1,000); at least one thousand dollars (\$1,000) and less than  
3 five thousand dollars (\$5,000); or at least five thousand  
4 dollars (\$5,000) or more.

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

24 "(7) A listing of indebtedness to businesses  
25 operating in Alabama showing types and number of each as  
26 follows: Banks, savings and loan associations, insurance  
27 companies, mortgage firms, stockbrokers and brokerages or bond

1 firms; and the indebtedness to combined organizations in the  
2 following categorical amounts: Less than twenty-five thousand  
3 dollars (\$25,000); twenty-five thousand dollars (\$25,000) and  
4 less than fifty thousand dollars (\$50,000); fifty thousand  
5 dollars (\$50,000) and less than one hundred thousand dollars  
6 (\$100,000); one hundred thousand dollars (\$100,000) and less  
7 than one hundred fifty thousand dollars (\$150,000); one  
8 hundred fifty thousand dollars (\$150,000) and less than two  
9 hundred fifty thousand dollars (\$250,000); two hundred fifty  
10 thousand dollars (\$250,000) or more. The commission may add  
11 additional business to this listing. Indebtedness associated  
12 with the homestead of the person filing is exempted from this  
13 disclosure requirement.

14 "(c) Filing required by this section shall reflect  
15 information and facts in existence at the end of the reporting  
16 year.

17 "(d) If the information required herein is not filed  
18 as required, the commission shall notify the public official  
19 or public employee concerned as to his or her failure to so  
20 file and the public official or public employee shall have 10  
21 days to file the report after receipt of the notification. The  
22 commission may, in its discretion, assess a fine of ten  
23 dollars (\$10) a day, not to exceed one thousand dollars  
24 (\$1,000), for failure to file timely.

25 "(e) A person who intentionally violates any  
26 financial disclosure filing requirement of this chapter shall  
27 be subject to administrative fines imposed by the commission,

1 or shall, upon conviction, be guilty of a Class A misdemeanor,  
2 or both.

3 "Any person who unintentionally neglects to include  
4 any information relating to the financial disclosure filing  
5 requirements of this chapter shall have 90 days to file an  
6 amended statement of economic interests without penalty.

7 "§41-13-7.

8 "(a) As used in this section, the following terms  
9 shall have the following meanings:

10 "(1) EMPLOYEE. Any person who is regularly employed  
11 by the state and who is subject to the provisions of the state  
12 Merit System or any person who is regularly employed by a  
13 criminal justice agency or entity or by a law enforcement  
14 agency within the state or any honorably retired employee  
15 thereof, to include, but not be limited to, the following: A  
16 judge of any position, including a judge of a municipal court;  
17 a district attorney; a deputy district attorney; an assistant  
18 district attorney; an investigator employed by a district  
19 attorney; an attorney, investigator, or special agent of the  
20 Office of the Attorney General; a sheriff; a deputy sheriff; a  
21 jailor; or a law enforcement officer of a county,  
22 municipality, the state, or special district, provided the law  
23 enforcement officer is certified by the Alabama Peace  
24 Officers' Standards and Training Commission and is not pending  
25 decertification.

26 "(2) IDENTIFYING INFORMATION. Any information, not  
27 including a person's name, which used either alone or in

1 conjunction with other information specifically identifies a  
2 person or a person's property, and includes, but is not  
3 limited to, any of the following information related to a  
4 person:

5 "a. Date of birth.

6 "b. Social Security number.

7 "c. Driver's license number.

8 "d. Financial services account numbers, including  
9 checking and savings accounts.

10 "e. Credit or debit card numbers.

11 "f. Personal identification numbers (PIN).

12 "g. Electronic identification codes.

13 "h. Automated or electronic signatures.

14 "i. Biometric data.

15 "j. Fingerprints.

16 "k. Passwords.

17 "l. Parents' legal surname prior to marriage.

18 "m. Name or names of any ~~dependent~~ living child, or  
19 children spouse, parent, sibling, or spouse's parent.

20 "n. Home address or phone number of the employee or  
21 the employee's family members described in paragraph m.

22 "o. Any other numbers or information that can be  
23 used to access a person's financial resources, obtain  
24 identification, act as identification, or obtain goods or  
25 services.

26 "(b) Notwithstanding any other law to the contrary,  
27 a state department, licensing or regulatory board, agency, or

1 commission is prohibited from placing or otherwise revealing  
2 the identifying information of an employee including, but not  
3 limited to, full- or part-time employees thereof, on any  
4 document that is available for public inspection including,  
5 but not limited to, state personnel evaluation forms and any  
6 other forms related thereto unless otherwise required by law,  
7 without the express consent of the person with the identifying  
8 information, or the consent of that person's parent,  
9 custodian, legal guardian, or legal representative. The  
10 foregoing prohibition shall not apply to a bona fide news  
11 organization or when a federal or state agency makes a request  
12 for or releases identifying information for a legitimate  
13 government purpose, or pursuant to a federal or state statute,  
14 regulation, or federally funded program or pursuant to an  
15 administrative or judicial subpoena or order. Nothing in this  
16 section is intended to create or establish a new cause of  
17 action for damages in any court. Nothing in this section shall  
18 be construed as a waiver of sovereign or qualified immunity.  
19 This section shall not be applicable to a document originating  
20 with any court or taxing authority, any document that when  
21 filed by law constitutes a consensual or nonconsensual lien or  
22 security lien or security interest, or any record of judgment,  
23 conviction, eviction, or bankruptcy. If express consent to  
24 reveal identifying information has not been obtained, a state  
25 department or agency shall redact, remove, cover, or otherwise  
26 excise the identifying information of any person from any

1 document that is available for public inspection so that the  
2 remaining portion of the document may be revealed."

3 Section 2. This act shall become effective  
4 immediately following its passage and approval by the  
5 Governor, or its otherwise becoming law.