

1 HB334
2 181617-4
3 By Representatives Butler, Harbison, Farley, Blackshear,
4 Nordgren and Standridge
5 RFD: Ethics and Campaign Finance
6 First Read: 28-FEB-17

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

21 This bill would exempt from public scrutiny
22 the residential address and addresses and names of
23 family members of all law enforcement officers,
24 district attorneys, and assistant district
25 attorneys without having to file an affidavit.

26 This bill would also require the Ethics
27 Commission to remove from public disclosure the

1 residential address and addresses and names of
2 family members of the officer or attorney listed on
3 past economic statements if so requested.

4
5 A BILL
6 TO BE ENTITLED
7 AN ACT

8
9 Relating to law enforcement officers; to amend
10 Section 36-25-14, Code of Alabama 1975; to automatically
11 exempt from public scrutiny the residential address and
12 addresses and names of family members of a law enforcement
13 officer, district attorney, or an assistant district attorney
14 that are listed on the officer's or attorney's statement of
15 economic interests filed with the Ethics Commission on an
16 annual basis; and to require the Ethics Commission to remove
17 from public disclosure the residential address and addresses
18 and names of family members of the officer or attorney listed
19 on past economic statements if so requested.

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

21 Section 1. Section 36-25-14, Code of Alabama 1975,
22 is amended to read as follows:

23 "§36-25-14.

24 "(a) A statement of economic interests shall be
25 completed and filed in accordance with this chapter with the
26 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; name of
4 living parents of spouse; ~~Undercover law enforcement officers~~
5 ~~may have their residential addresses and the~~ provided,
6 however, the residential address and addresses and names of
7 family members removed from public scrutiny by filing an
8 affidavit stating that publicizing this information would
9 potentially endanger their families of any law enforcement
10 officer who is certified by the Alabama Peace Officers'
11 Standards and Training Commission with the power of arrest,
12 any district attorney, and any assistant district attorney
13 shall be exempt from public disclosure; and provided further
14 that the commission shall redact from its website and from
15 public disclosure the residential address and addresses and
16 names of family members listed on statements filed for
17 calendar years before 2017 if so requested by the officer or
18 attorney.

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

22 "(3) A listing of total combined household income of
23 the public official or public employee during the most recent
24 reporting year as to income from salaries, fees, dividends,
25 profits, commissions, and other compensation and listing the
26 names of each business and the income derived from such
27 business in the following categorical amounts: less than one

1 thousand dollars (\$1,000); at least one thousand dollars
2 (\$1,000) and less than ten thousand dollars (\$10,000); at
3 least ten thousand dollars (\$10,000) and less than fifty
4 thousand dollars (\$50,000); at least fifty thousand dollars
5 (\$50,000) and less than one hundred fifty thousand dollars
6 (\$150,000); at least one hundred fifty thousand dollars
7 (\$150,000) and less than two hundred fifty thousand dollars
8 (\$250,000); or at least two hundred fifty thousand dollars
9 (\$250,000) or more. The person reporting shall also name any
10 business or subsidiary thereof in which he or she or his or
11 her spouse or dependents, jointly or severally, own five
12 percent or more of the stock or in which he or she or his or
13 her spouse or dependents serves as an officer, director,
14 trustee, or consultant where the service provides income of at
15 least one thousand dollars (\$1,000) and less than five
16 thousand dollars (\$5,000); or at least five thousand dollars
17 (\$5,000) or more for the reporting period.

18 "(4) If the filing public official or public
19 employee, or his or her spouse, has engaged in a business
20 during the last reporting year which provides legal,
21 accounting, medical or health related, real estate, banking,
22 insurance, educational, farming, engineering, architectural
23 management, or other professional services or consultations,
24 then the filing party shall report the number of clients of
25 such business in each of the following categories and the
26 income in categorical amounts received during the reporting
27 period from the combined number of clients in each category:

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

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

9 "(6) If real estate is held for investment or
10 revenue production by a public official, his or her spouse or
11 dependents, then a listing thereof in the following fair
12 market value categorical amounts: Under fifty thousand dollars
13 (\$50,000); at least fifty thousand dollars (\$50,000) and less
14 than one hundred thousand dollars (\$100,000); at least one
15 hundred thousand dollars (\$100,000) and less than one hundred
16 fifty thousand dollars (\$150,000); at least one hundred fifty
17 thousand dollars (\$150,000) and less than two hundred fifty
18 thousand dollars (\$250,000); at least two hundred fifty
19 thousand dollars (\$250,000) or more. A listing of annual gross
20 rent and lease income on real estate shall be made in the
21 following categorical amounts: Less than ten thousand dollars
22 (\$10,000); at least ten thousand dollars (\$10,000) and less
23 than fifty thousand dollars (\$50,000); fifty thousand dollars
24 (\$50,000) or more. If a public official or a business in which
25 the person is associated received rent or lease income from
26 any governmental agency in Alabama, specific details of the
27 lease or rent agreement shall be filed with the commission.

1 "(7) A listing of indebtedness to businesses
2 operating in Alabama showing types and number of each as
3 follows: Banks, savings and loan associations, insurance
4 companies, mortgage firms, stockbrokers and brokerages or bond
5 firms; and the indebtedness to combined organizations in the
6 following categorical amounts: Less than twenty-five thousand
7 dollars (\$25,000); twenty-five thousand dollars (\$25,000) and
8 less than fifty thousand dollars (\$50,000); fifty thousand
9 dollars (\$50,000) and less than one hundred thousand dollars
10 (\$100,000); one hundred thousand dollars (\$100,000) and less
11 than one hundred fifty thousand dollars (\$150,000); one
12 hundred fifty thousand dollars (\$150,000) and less than two
13 hundred fifty thousand dollars (\$250,000); two hundred fifty
14 thousand dollars (\$250,000) or more. The commission may add
15 additional business to this listing. Indebtedness associated
16 with the homestead of the person filing is exempted from this
17 disclosure requirement.

18 "(c) Filing required by this section shall reflect
19 information and facts in existence at the end of the reporting
20 year.

21 "(d) If the information required herein is not filed
22 as required, the commission shall notify the public official
23 or public employee concerned as to his or her failure to so
24 file and the public official or public employee shall have 10
25 days to file the report after receipt of the notification. The
26 commission may, in its discretion, assess a fine of ten

1 dollars (\$10) a day, not to exceed one thousand dollars
2 (\$1,000), for failure to file timely.

3 "(e) A person who intentionally violates any
4 financial disclosure filing requirement of this chapter shall
5 be subject to administrative fines imposed by the commission,
6 or shall, upon conviction, be guilty of a Class A misdemeanor,
7 or both.

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

12 Section 2. This act shall become effective
13 immediately following its passage and approval by the
14 Governor, or its otherwise becoming law.