

1 SJR11  
2 188459-3  
3 By Senators Orr, Reed and Marsh  
4 RFD: Rules  
5 First Read: 09-JAN-18

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8 CREATING THE CODE OF ETHICS REFORM AND CLARIFICATION  
9 COMMISSION.

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

17 WHEREAS, the Alabama Code of Ethics was originally  
18 enacted more than 40 years ago and has been amended at least  
19 25 times since then; and

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

26 WHEREAS, the Code of Ethics applies to more than  
27 300,000 individuals and their families, including individuals

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

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

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

17 (a) The commission shall be comprised of the  
18 following members:

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

22 (2) Two members of the House of Representatives, one  
23 of whom may not be a member of the majority party, appointed  
24 by the Speaker of the House of Representatives.

25 (3) The Legal Advisor to the Governor.

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

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

3           (6) A district attorney appointed by the Alabama  
4 District Attorneys Association.

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

7           (8) An attorney licensed in Alabama appointed by the  
8 Alabama State Bar.

9           (9) An attorney licensed in Alabama appointed by the  
10 Director of the Legislative Services Agency.

11           (10) An individual appointed by the Association of  
12 County Commissions of Alabama.

13           (11) An individual appointed by the Alabama League  
14 of Municipalities.

15           (12) An individual appointed by the Alabama Council  
16 of Association Executives.

17           (13) An individual appointed by the Alabama Press  
18 Association.

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

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

25           (d) The commission shall study and make  
26 recommendations for reforming and clarifying the Code of  
27 Ethics and shall report its findings and recommendations to

1 the Legislature by the first legislative day of the 2019  
2 Regular Session of the Legislature, at which time it shall be  
3 dissolved.

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

8 (f) The Legislative Services Agency shall provide  
9 necessary professional services to the commission.

10 (g) Each non-legislative member of the commission  
11 may be reimbursed for expenses related to attending meetings  
12 consistent with the policies of the various appointing  
13 authorities.

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