

1 SB230
2 198427-1
3 By Senators Albritton, Holley, Whatley, Marsh, Chambliss,
4 Melson, Butler, Barfoot, Elliott, Shelnuttt and Chesteen
5 RFD: Governmental Affairs
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8 SYNOPSIS: Under existing law, public officials and
9 public employees at the state and local level of
10 government, as well as lobbyists and principals,
11 are governed by a code of ethics which prohibits or
12 limits certain transactions and requires
13 disclosures of certain activities and interests.
14 The code of ethics is administered by the State
15 Ethics Commission. Criminal enforcement is
16 administered by the Office of the Attorney General
17 or a district attorney.

18 This bill would move, from the code of
19 ethics to the criminal code, provisions that
20 prohibit a public official or public employee from
21 using his or her office for material personal gain,
22 from using office equipment or facilities for
23 personal use, or from soliciting a thing of value
24 from a person that the public official or employee
25 regulates or inspects.

26 This bill would move, from the code of
27 ethics to the criminal code, provisions that

1 prohibit a member of a legislative body from voting
2 on legislation of which the member has a conflict
3 of interest and that prohibit a member of the
4 Legislature from acting as a lobbyist before an
5 executive department or agency.

6 This bill would revise the crime of bribery.

7 This bill would provide circumstances under
8 which an individual acting as an economic
9 development professional is not considered a
10 lobbyist.

11 This bill would redefine certain terms,
12 including thing of value and principal.

13 This bill would require a lobbyist to report
14 to the State Ethics Commission a thing of value
15 given to a public official, public employee, or
16 family member of the official or employee, but
17 would allow a lobbyist or principal to give, and a
18 public official or public employee to receive, a
19 thing of value in certain circumstances.

20 This bill would revise the lobbyist
21 reporting requirements.

22 This bill would revise the commission's
23 authority to impose civil penalties for minor
24 violations of the code of ethics.

25 This bill would require the commission to
26 refer all criminal cases to a district attorney.

1 This bill would provide that an individual
2 who knowingly violates a disclosure requirement
3 would be subject to a civil penalty not to exceed
4 \$5,000 to be levied by the commission, and make all
5 other violations of the code of ethics, other than
6 minor violations, a Class A misdemeanor.

7 Amendment 621 of the Constitution of Alabama
8 of 1901, now appearing as Section 111.05 of the
9 Official Recompilation of the Constitution of
10 Alabama of 1901, as amended, prohibits a general
11 law whose purpose or effect would be to require a
12 new or increased expenditure of local funds from
13 becoming effective with regard to a local
14 governmental entity without enactment by a 2/3 vote
15 unless: it comes within one of a number of
16 specified exceptions; it is approved by the
17 affected entity; or the Legislature appropriates
18 funds, or provides a local source of revenue, to
19 the entity for the purpose.

20 The purpose or effect of this bill would be
21 to require a new or increased expenditure of local
22 funds within the meaning of the amendment. However,
23 the bill does not require approval of a local
24 governmental entity or enactment by a 2/3 vote to
25 become effective because it comes within one of the
26 specified exceptions contained in the amendment.

1 A BILL
2 TO BE ENTITLED
3 AN ACT

4
5 Relating to ethics; to amend Sections 13A-10-60 and
6 13A-10-61, Code of Alabama 1975; to add Sections 13A-10-61.1,
7 13A-10-61.2, and 36-25-1.3 to the Code of Alabama 1975, to add
8 Chapter 25B, commencing with Section 36-25B-1, to Title 36,
9 Code of Alabama 1975; to repeal Chapter 25 of Title 36,
10 commencing with Section 36-25-1, Code of Alabama 1975; to move
11 from the ethics code to the criminal code provisions
12 prohibiting a public official or public employee from using
13 his or her office or position for material personal gain, from
14 using office equipment or facilities for personal use, or from
15 soliciting a thing of value from a person that the public
16 official or employee regulates or inspects; to move from the
17 ethics code to the criminal code provisions prohibiting a
18 member of a legislative body from voting on legislation of
19 which the member has a conflict of interest and provisions
20 prohibiting a member of the Legislature from acting as a
21 lobbyist before an executive department or agency; to revise
22 the crime of bribery and further define act corruptly; to
23 provide circumstances under which an individual acting as an
24 economic development professional is not considered a
25 lobbyist; to require lobbyists or principals who give a thing
26 of value to report the exchange to the State Ethics Commission
27 but allow lobbyists and principals to give a thing of value to

1 a public official or public employee, except when intending to
2 act corruptly; to revise the penalty for failing to disclose
3 information required to be disclosed to the State Ethics
4 Commission under the code of ethics from a Class A misdemeanor
5 to a civil penalty imposed by the commission of up to \$5,000;
6 to define terms; and in connection therewith would have as its
7 purpose or effect the requirement of a new or increased
8 expenditure of local funds within the meaning of Amendment 621
9 of the Constitution of Alabama of 1901, now appearing as
10 Section 111.05 of the Official Recompilation of the
11 Constitution of Alabama of 1901, as amended.

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

13 Section 1. (a) The Legislature hereby finds and
14 declares the following:

15 (1) It is essential to the proper operation of
16 democratic government that public officials and public
17 employees be independent and impartial.

18 (2) Governmental decisions and policy should be made
19 in the proper channels of the governmental structure.

20 (3) No public office should be used for private gain
21 other than the remuneration provided by law.

22 (4) It is important that there be public confidence
23 in the integrity of government.

24 (5) The attainment of one or more of the ends set
25 forth in this subsection is impaired whenever there exists a
26 conflict of interest between the private interests of a public

1 official or a public employee and the duties of the public
2 official or public employee.

3 (6) The public interest requires that the law
4 protect against such conflicts of interest and establish
5 appropriate ethical standards with respect to the conduct of
6 public officials and public employees in situations where
7 conflicts exist.

8 (b) The Legislature hereby finds and declares that
9 it is also essential to the proper operation of government
10 that those best qualified be encouraged to serve in
11 government. Accordingly, legal safeguards against conflicts of
12 interest shall be so designed as not to unnecessarily or
13 unreasonably impede the service of those men and women who are
14 elected or appointed to do so. An essential principle
15 underlying the staffing of our governmental structure is that
16 its public officials and public employees should not be denied
17 the opportunity, available to all other citizens, to acquire
18 and retain private economic and other interests, except where
19 conflicts with the responsibility of public officials and
20 public employees to the public cannot be avoided. To greater
21 facilitate this end, those persons serving in government must
22 fully disclose their financial interests and provide full
23 transparency of their interactions with persons over whom they
24 exercise regulatory authority. This disclosure should be made
25 in a manner that is fully available to the public and lack of
26 candor in this disclosure should result in appropriate
27 penalties.

1 (c) The Legislature further declares that the
2 operation of responsible democratic government requires that
3 the fullest opportunity be afforded to the people to petition
4 their government for the redress of grievances and to express
5 freely to the legislative bodies and to officials of the
6 Executive Branch, their opinions on legislation, on pending
7 governmental actions, and on current issues. To preserve and
8 maintain the integrity of the legislative and administrative
9 processes, it is necessary that the identity, expenditures,
10 and activities of certain persons who engage in efforts to
11 persuade members of the legislative bodies or members of the
12 Executive Branch to take specific actions, either by direct
13 communication to these officials, or by solicitation of others
14 to engage in such efforts, be publicly and regularly
15 disclosed. This act shall be liberally construed to promote
16 complete disclosure of all relevant information and to insure
17 that the public interest is fully protected.

18 (d) The Legislature further declares that the policy
19 and purpose of this act is to implement these objectives of
20 protecting the integrity of all governmental units of this
21 state and of facilitating the service of qualified personnel
22 by prescribing essential restrictions against conflicts of
23 interest in public service without creating unnecessary
24 barriers thereto.

25 (e) The Legislature finds that the criminal laws of
26 this state should be clear, concise, and enforceable. These
27 laws should be enforced by professional prosecutors devoted to

1 that end. Criminal laws should be contained in the criminal
2 code with all applicable definitions and procedures applicable
3 to their investigation and prosecution.

4 Section 2. Sections 13A-10-60 and 13A-10-61 of the
5 Code of Alabama 1975, are amended to read as follows:

6 "§13A-10-60.

7 "(a) The definitions contained in ~~Section~~ Sections
8 13A-10-1 and 36-25B-1 are applicable in this article unless
9 the context otherwise requires.

10 "(b) The following definitions also apply to this
11 article:

12 "(1) BENEFIT. Any gain or advantage to the
13 beneficiary, including any gain or advantage to a third person
14 pursuant to the desire or consent of the beneficiary.

15 "(2) CONFLICT OF INTEREST. A conflict on the part of
16 a public official or public employee between his or her
17 private interests and the official responsibilities inherent
18 in an office of public trust. A conflict of interest involves
19 an intentional action, inaction, or decision by a public
20 official or public employee in the discharge of his or her
21 official duties which would materially affect his or her
22 financial interest or those of his or her family members or
23 any associated business in a manner different from the manner
24 it affects the other members of a class to which he or she
25 belongs. A conflict of interest does not include any of
26 following:

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

3 "b. An occasional nonpecuniary award publicly
4 presented by an organization for performance of public
5 service.

6 "c. Payment of or reimbursement for actual and
7 necessary expenditures for travel and subsistence for the
8 personal attendance of a public official or public employee at
9 a convention or other meeting at which he or she is scheduled
10 to participate in connection with his or her official duties
11 and for which reimbursement is not fully made by the state.

12 "d. Any campaign contribution, including the
13 purchase of tickets to, or advertisements in journals, for
14 political or testimonial dinners, if the contribution is
15 actually used for political purposes.

16 "~~(2)~~(3) PECUNIARY BENEFIT. Benefit in the form of
17 money, property, commercial interests, or anything else the
18 primary significance of which is economic gain. Expenses
19 associated with social occasions afforded public servants and
20 party officers shall not be deemed a pecuniary benefit within
21 the meaning of this article.

22 "~~(3)~~(4) PUBLIC SERVANT. As used in this article,
23 such term includes persons who presently occupy the position
24 of a public servant, as defined in Section 13A-10-1(7), or
25 have been elected, appointed, or designated to become a public
26 servant although not yet occupying that position.

1 "~~(4)~~(5) PARTY OFFICER. A person who holds any
2 position or office in a political party, whether by election,
3 appointment, or otherwise.

4 "§13A-10-61.

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

6 "(1) He or she offers, confers or agrees to confer
7 any anything, regardless of whether the thing is a thing of
8 value, upon a public servant or a family member of a public
9 servant with the intent that the public servant's vote,
10 opinion, judgment, exercise of discretion, or other action in
11 his or her official capacity will thereby be corruptly
12 influenced; or

13 "(2) While a public servant, he or she solicits,
14 accepts, or agrees to accept for himself or herself or a
15 family member of the public servant any pecuniary benefit upon
16 an agreement or understanding that his or her vote, opinion,
17 judgment, exercise of discretion, or other action as a public
18 servant will thereby be corruptly influenced.

19 "(b) For purposes of this section, to act corruptly
20 means to act voluntarily, deliberately, and dishonestly to
21 either accomplish an unlawful end or result or to use an
22 unlawful method or means to accomplish any otherwise lawful
23 end or result.

24 "~~(b)~~(c) It is not a defense to a prosecution under
25 this section that the person sought to be influenced was not
26 qualified to act in the desired way, whether because he or she

1 had not yet assumed office, lacked jurisdiction, or for any
2 other reason.

3 "~~(c)~~(d) Bribery is a Class C felony."

4 Section 3. Sections 13A-10-61.1 and 13A-10-61.2 are
5 added to the Code of Alabama 1975, to read as follows:

6 §13A-10-61.1.

7 (a) A public official or public employee may not use
8 or cause to be used his or her official position or office to
9 obtain material personal gain for himself or herself, a family
10 member of the public official or public employee, or any
11 associated business of the public official or public employee,
12 except as otherwise provided by law, as provided pursuant to a
13 lawful employment agreement, or as regulated by agency policy.
14 Personal gain is achieved when the public official, public
15 employee, or family member receives, obtains, exerts control
16 over, or otherwise converts to personal use the object
17 constituting such personal gain.

18 (b) A member of a legislative body may not vote for
19 any legislation in which he or she knows that he or she has a
20 conflict of interest.

21 (c) A public official or public employee may not use
22 or cause to be used equipment, facilities, time, materials,
23 human labor, or other public property under his or her
24 discretion or control for the private benefit or business
25 benefit of the public official, public employee, any other
26 person, or a principal campaign committee, as defined in
27 Section 17-5-2, which would materially affect his or her

1 financial interest, except as otherwise provided by law, as
2 provided pursuant to a lawful employment agreement, or as
3 regulated by agency policy.

4 (d) A public official or public employee, other than
5 in the ordinary course of business, may not solicit a thing of
6 value from a subordinate or person whom he or she directly
7 inspects, regulates, or supervises in his or her official
8 capacity.

9 (e) (1) A public official or public employee who
10 knowingly violates this section, upon conviction, is guilty of
11 a Class A misdemeanor when the personal gain to the public
12 official or public employee, family member, or associated
13 business is material but less than six thousand dollars
14 (\$6,000), or the cost to the state or local government is
15 material but less than six thousand dollars (\$6,000).

16 (2) A public official or public employee who
17 knowingly violates this section, upon conviction, is guilty of
18 a Class C felony when the personal gain to the public official
19 or public employee, family member, or associated business is
20 more than six thousand dollars (\$6,000), but less than one
21 hundred thousand dollars (\$100,000), or the cost to the state
22 or local government is more than six thousand dollars
23 (\$6,000), but less than one hundred thousand dollars
24 (\$100,000).

25 (3) A public official or public employee who
26 knowingly violates this section, upon conviction, is guilty of
27 a Class B felony when the personal gain to the public official

1 or public employee, family member, or associated business is
2 more than one hundred thousand dollars (\$100,000), or the cost
3 to the state or local government is more than one hundred
4 thousand dollars (\$100,000).

5 §13A-10-61.2.

6 (a) An individual elected to a statewide office or a
7 member of the Legislature may not serve as a lobbyist before
8 any governmental body during the term to which he or she was
9 elected regardless of whether the individual leaves office
10 before the term expires. Nothing in this subsection shall be
11 construed to prohibit an elected public official from engaging
12 in private practice in his or her profession or field of
13 expertise, including representing a client before a
14 governmental body of which the public official is not a
15 member, provided such engagement is not related in any manner
16 to his or her official duties.

17 (b) An individual elected to a county or municipal
18 office may not serve as a lobbyist before any governmental
19 body within the geographical jurisdiction of the county or
20 municipal office for which the public official is serving or
21 had served during the term to which he or she was elected,
22 irrespective of whether the public official leaves office
23 before the term expires.

24 (c) This section shall not be construed to prohibit
25 an individual elected to a statewide office or a member of the
26 Legislature from performing his or her official duties or
27 responsibilities.

1 (d) An individual who violates this section, upon
2 conviction, shall be guilty of a Class C felony.

3 Section 4. (a) Chapter 25, commencing with Section
4 36-25-1, of Title 36 of the Code of Alabama 1975, is repealed.

5 (b) The Code Commissioner shall conform references
6 in the Code of Alabama 1975, to reflect the changes made by
7 this act. Code changes, including the renumbering of
8 references to Chapter 25, Title 36, to reflect the appropriate
9 code sections in Chapter 25B, Title 36, as created by this
10 act, shall be made at a time determined to be appropriate by
11 the Code Commissioner.

12 Section 5. Chapter 25B, commencing with Section
13 36-25B-1, is added to Title 36, Code of Alabama of 1975, to
14 read as follows:

15 §36-25B-1.

16 This chapter shall be known and may be cited as the
17 Alabama Ethics Act.

18 §36-25B-2.

19 Whenever used in this chapter, the following words
20 and terms shall have the following meanings:

21 (1) ASSOCIATED BUSINESS. A business of which an
22 individual or a family member of the individual is an officer,
23 director, owner, partner, employee, consultant, or a holder of
24 more than five percent of the fair market value of the
25 business.

1 (2) BUSINESS. Any corporation, partnership,
2 proprietorship, firm, enterprise, franchise, self-employed
3 individual, or other business entity.

4 (3) CANDIDATE. The term as defined in Section
5 17-5-2.

6 (4) COMMISSION. The State Ethics Commission.

7 (5) CONSULTANT. An individual who, for compensation,
8 provides professional services or advice.

9 (6) DAY. Calendar day.

10 (7) DEPENDENT. An individual claimed as a dependent
11 for income tax purposes.

12 (8) DE MINIMIS. Anything having no intrinsic resale
13 value or having a value of twenty-five dollars (\$25) or less
14 per recipient per occasion. The value shall be adjusted by
15 five-dollar increments by the commission not later than
16 January 1 following any year in which the value, as adjusted
17 pursuant to the U.S. Department of Labor's Consumer Price
18 Index or a successor index, exceeds the current amount by five
19 dollars (\$5) or more.

20 (9) DIRECTOR. The Executive Director of the
21 commission.

22 (10) ECONOMIC DEVELOPMENT PROFESSIONAL. An
23 individual seeking to advance specific, good faith economic
24 development or trade promotion projects or related objectives
25 for a business, chamber of commerce or similar nonprofit
26 economic development organization in this state, a city, a
27 county, a political subdivision of the state, or a

1 governmental corporation or authority. The term does not
2 include elected officials, legislators, or any former
3 legislator within two years of the end of the term for which
4 he or she was elected.

5 (11) ENTITY. A business, union, association,
6 committee, club, organization, or other legal entity.

7 (12) FAMILY MEMBER. The spouse or a dependent.

8 (13) GOVERNMENTAL BODY. Any department, agency,
9 office, commission, board, or other political subdivision at
10 the state or local level in the executive, judicial, or
11 legislative branch, including any regulatory body, legislative
12 body, or governmental corporation or authority.

13 (14) GOVERNMENTAL CORPORATION OR AUTHORITY. Any
14 public or private corporation or authority established
15 pursuant to state law for the purpose of carrying out a
16 specific governmental function. Notwithstanding the foregoing,
17 the term does not include hospitals or other health care
18 organizations.

19 (15) LAW ENFORCEMENT OFFICER. A full-time employee
20 of a governmental body responsible for the prevention or
21 investigation of crime who is authorized by law to carry
22 firearms, execute search warrants, and make arrests.

23 (16) LEGISLATIVE BODY. The term includes the
24 following:

25 a. The Legislature of Alabama, which includes both
26 the Senate of Alabama and the House of Representatives of
27 Alabama, unless specified otherwise by the express language of

1 any provision herein, and any committee or subcommittee
2 thereof.

3 b. A county commission, and any committee or
4 subcommittee thereof.

5 c. A city council, city commission, town council, or
6 other municipal council or commission, and any committee or
7 subcommittee thereof.

8 (17) LEGISLATIVE CAUCUS. A legislative caucus
9 registered pursuant to Section 17-5-5.1.

10 (18) LOBBY or LOBBYING. Any act to influence or
11 attempt to influence any legislative action or rulemaking
12 action. The term does not include any of the following:

13 a. Providing public testimony before a legislative
14 body or as part of an administrative proceeding.

15 b. Carrying out ongoing negotiations following the
16 award of a bid or contract or rendering legal services in a
17 legal matter before a governmental agency.

18 c. Responding to a government request for
19 information.

20 d. Providing professional services in drafting
21 bills, advising clients, and rendering opinions as to the
22 construction and effect of proposed or pending legislation,
23 executive action, or rules.

24 (19) LOBBYIST.

25 a. An individual who receives compensation or
26 reimbursement from a person to lobby. The term includes an
27 employee who lobbies as a regular and usual part of

1 employment, whether or not any compensation in addition to
2 regular salary and benefits is received.

3 b. The term does not include:

4 1. A reporter or editor while pursuing normal
5 reportorial and editorial duties.

6 2. A public official or public employee who lobbies
7 as part of his or her official duties.

8 3. An individual acting as an economic development
9 professional who is not otherwise required to register as a
10 lobbyist, unless and until he or she seeks incentives through
11 legislative action in the Legislature that are above and
12 beyond, or in addition to, the then current statutory or
13 constitutional authorization.

14 (20) PERSON. An individual, business, governmental
15 body, or entity.

16 (21) PRINCIPAL. An individual or entity that employs
17 or otherwise retains a lobbyist. A principal that is an entity
18 shall identify a responsible individual to fulfil the
19 reporting requirements of this chapter. A principal that is an
20 entity is responsible for any covered actions on its behalf by
21 its agents.

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

24 (23) PUBLIC EMPLOYEE. An individual employed by a
25 governmental body. The term does not include an individual
26 employed on a part-time basis whose employment is limited to
27 providing professional services other than lobbying, the

1 compensation for which constitutes less than 50 percent of the
2 part-time employee's income.

3 (24) PUBLIC OFFICIAL. An individual elected or
4 appointed to a public office in a governmental body. The term
5 includes the chairs and vice chairs or the equivalent offices
6 of each state political party as defined in Section 17-13-40.

7 (25) REGULATORY BODY. A state agency that adopts
8 rules or a state, county, or municipal department, agency,
9 board, or commission that controls, according to rule or
10 regulation, the activities, business licensure, or functions
11 of any person.

12 (26) REPORTING PERIOD or REPORTING YEAR. The
13 calendar year.

14 (27) STATEMENT OF ECONOMIC INTERESTS. A financial
15 disclosure form filed with the commission by certain public
16 officials and certain public employees.

17 (28) SUPERVISOR. A public official or public
18 employee having authority to hire, transfer, suspend, lay off,
19 recall, promote, discharge, assign, or discipline other public
20 employees, or an individual responsible for directing them,
21 adjusting their grievances, or recommending personnel action,
22 if, in connection with the foregoing, the exercise of the
23 authority is not of a merely routine or clerical nature but
24 requires the use of independent judgment.

25 (29) THING OF VALUE.

26 a. Anything of monetary value.

27 b. The term does not include any of the following:

1 1. A contribution reported under Chapter 5 of Title
2 17 or a contribution to an inaugural or transition committee.

3 2. Anything given by a member of the recipient's
4 family within the third degree of consanguinity or affinity
5 unless the circumstances make it clear the gift is not
6 motivated by the family relationship and is given because of
7 the recipient's official position.

8 3. Anything given by a friend of the recipient
9 unless the circumstances make it clear the gift is not
10 motivated by the friendship and given because of the
11 recipient's official position.

12 4. Anything of de minimis value.

13 5. Opportunities and benefits, including favorable
14 rates and commercial discounts, available to the public or to
15 a class of persons of which the recipient is a member.

16 6. Rewards and prizes given to competitors in
17 contests or events, including random drawings, that are open
18 to the public or where any attendee can win.

19 7. Anything that is paid for by a governmental
20 entity or an entity created by a governmental entity to
21 support the governmental entity or secured by a governmental
22 entity under contract, except for tickets to a sporting event
23 offered by an educational institution to anyone other than
24 faculty, staff, or administration of the institution.

25 8. Any exchange for full value.

26 9. Compensation, other benefits, hospitality, and
27 gifts earned or received from a non-government employer,

1 vendor, client, prospective employer, or other business
2 relationship in the ordinary course of employment or
3 non-governmental business activities unless the circumstances
4 make it clear that the thing is provided for reasons related
5 to the recipient's public service as a public official or
6 public employee.

7 10. Any assistance provided or rendered in
8 connection with a safety or a health emergency.

9 11. Any charitable contribution that does not
10 personally benefit the public official, public employee, or a
11 family member of the public official or public employee.

12 12. Any food or beverages provided at an event to
13 which all members of a legislative caucus, a legislative
14 standing committee, or a legislative body are invited, or at
15 an event to which at least 20 public officials or public
16 employees are invited.

17 13. Anything provided by any of the following:

18 (i) An association or organization to which the
19 state or, in the case of a local government official or
20 employee, the local government pays annual dues as a
21 membership requirement.

22 (ii) An association or organization to an individual
23 who is deemed a public official by virtue of his or her
24 membership in that association or organization.

25 (iii) A professional or local government association
26 or corporation to a public official who is also an elected
27 officer or director of the professional or local government

1 association or corporation for services actually provided to
2 the association or corporation in his or her capacity as an
3 officer or director.

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

7 (30) VALUE. The fair market price of a like item if
8 purchased by a private citizen. In the case of tickets to
9 social and sporting events and associated passes, the value is
10 the face value printed on the ticket.

11 §36-25B-3.

12 (a) The State Ethics Commission is continued in
13 existence. It shall be composed of five members, each of whom
14 shall be a fair, equitable resident of this state and of high
15 moral character and ability. The following individuals shall
16 not be eligible to be appointed as members: (1) a public
17 official; (2) a candidate; (3) a registered lobbyist or a
18 principal; or (4) a former employee of the commission. A
19 member of the commission may not be reappointed to succeed
20 himself or herself unless the prior service was for less than
21 a full term. The members of the commission shall be appointed
22 on a rotating basis by the following officers: The Governor,
23 the President of the Senate, and the Speaker of the House of
24 Representatives. Appointments shall be subject to Senate
25 confirmation and individuals appointed shall assume their
26 duties upon confirmation by the Senate. Members of the
27 commission serving on January 1, 2020, shall continue to serve

1 until their respective term expires. Successor members shall
2 serve for a term of five years beginning service on September
3 1 of the year appointed and shall serve until their successors
4 are appointed and confirmed. If at any time there is a vacancy
5 on the commission, a successor member shall be appointed by
6 the original appointing authority to serve for the unexpired
7 term. The commission shall elect one member to serve as chair
8 of the commission and one member to serve as vice chair. The
9 vice chair shall act as chair in the absence or disability of
10 the chair or in the event of a vacancy in that office.

11 (b) The commission membership shall be inclusive so
12 that diversity of gender, race, and geographical areas is
13 reflective of the makeup of this state. One member of the
14 commission shall be a State of Alabama-licensed attorney in
15 good standing and one member shall be a former elected public
16 official who served at least two terms of office.

17 (c) A vacancy in the commission does not impair the
18 right of the remaining members to exercise all the powers of
19 the commission, and three members thereof shall constitute a
20 quorum.

21 (d) The commission, at the close of each fiscal
22 year, or as soon thereafter as practicable, shall report to
23 the Legislature and the Governor concerning the actions it has
24 taken, the name, salary, and duties of the director, the names
25 and duties of all individuals in its employ, the money it has
26 disbursed, other relevant matters within its jurisdiction, and

1 such recommendations for legislation as the commission deems
2 appropriate.

3 (e) Members of the commission, while conducting
4 commission business, shall be entitled to receive compensation
5 at the rate of fifty dollars (\$50) per day, and each member,
6 when approved by the chair, shall be paid his or her travel
7 expenses incurred in the performance of his or her duties as a
8 member of the commission as other state employees and
9 officials are paid. If for any reason a member of the
10 commission wishes not to claim and accept the compensation or
11 travel expenses, the member shall inform the director, in
12 writing, of the refusal. The member, at any time during his or
13 her term, may begin accepting compensation or travel expenses;
14 however, the member's refusal for any covered period shall act
15 as an irrevocable waiver for that period.

16 (f) The director, members of the commission, and all
17 employees of the commission may not engage in partisan
18 political activity, including making any campaign
19 contribution, at the state, county, and local level, and may
20 not make any public statement, for a period of 120 days before
21 an election, about a candidate, regardless of whether or not a
22 candidate has a matter pending before the commission, other
23 than a comment directly relating to the final disposition of
24 the matter. This subsection shall in no way limit or restrict
25 an individual's ability to vote in any election.

26 (g) The commission shall appoint a full-time
27 director. The director shall be subject to Senate

1 confirmation, and the individual appointed shall assume his or
2 her duties upon confirmation by the Senate. If the Senate
3 fails to vote on an appointee's confirmation before adjourning
4 sine die during the session in which the director is
5 appointed, the appointee is deemed to be confirmed. No
6 appointee whose confirmation is rejected by the Senate may be
7 reappointed. The director shall serve at the pleasure of the
8 commission and shall appoint other employees as needed. All
9 employees, except the director, shall be employed subject to
10 the state Merit System law, and their compensation shall be
11 prescribed pursuant to that law. The employment of attorneys
12 shall be subject to subsection (i). The compensation of the
13 director shall be fixed by the commission, payable as the
14 salaries of other state employees. The director shall be
15 responsible for the administrative operations of the
16 commission and shall administer this chapter in accordance
17 with the commission's policies. No rule shall be implemented
18 by the director until adopted by the commission in accordance
19 with the Alabama Administrative Procedure Act.

20 (h) The director may appoint part-time stenographic
21 reporters or certified court reporters, as needed, to take and
22 transcribe the testimony in any formal or informal hearing or
23 investigation before the commission or before any individual
24 authorized by the commission. The reporters are not full-time
25 employees of the commission, are not subject to the Merit
26 System law, and may not participate in the State Retirement
27 System.

1 (i) The director, with the approval of the Attorney
2 General, may appoint competent attorneys as legal counsel for
3 the commission. Each attorney so appointed shall be of good
4 moral and ethical character, licensed to practice law in this
5 state, and be a member in good standing of the Alabama State
6 Bar Association. Each attorney shall be commissioned as an
7 assistant or deputy attorney general and, in addition to the
8 powers and duties conferred in this chapter, shall have the
9 authority and duties of an assistant or deputy attorney
10 general, except that his or her entire time shall be devoted
11 to the commission. Each attorney shall act on behalf of the
12 commission in actions or proceedings brought by or against the
13 commission pursuant to any law under the commission's
14 jurisdiction or in which the commission joins or intervenes as
15 to a matter within the commission's jurisdiction or as a
16 friend of the court or otherwise.

17 (j) The director shall designate in writing the
18 chief investigator, should there be one, and a maximum of
19 eight full-time investigators who shall be and are hereby
20 constituted law enforcement officers of the State of Alabama
21 with full and unlimited police power and jurisdiction to
22 enforce the laws of this state pertaining to the operation and
23 administration of the commission and this chapter.
24 Investigators shall meet the requirements of Article 3,
25 commencing with Section 36-21-40, of Chapter 21 of Title 36
26 and shall in all ways and for all purposes be considered law
27 enforcement officers entitled to all benefits provided in

1 subsection (e) of Section 36-15-6. Notwithstanding the
2 foregoing, the investigators shall only exercise their power
3 of arrest as granted under this chapter pursuant to an order
4 issued by a court of competent jurisdiction.

5 §36-25B-4.

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

7 (1) Prescribe forms for statements required to be
8 filed by this chapter and make the forms available to persons
9 required to file such statements.

10 (2) Prepare guidelines setting forth recommended
11 uniform methods of reporting for use by persons required to
12 file statements required by this chapter.

13 (3) Accept and file any written information
14 voluntarily supplied that exceeds the requirements of this
15 chapter.

16 (4) Develop, where practicable, a filing, coding,
17 and cross-indexing system consistent with the purposes of this
18 chapter.

19 (5) Make reports and statements filed with the
20 commission available during regular business hours and online
21 via the Internet to public inquiry subject to such rules as
22 the commission may prescribe.

23 (6) Preserve reports and statements for a period
24 consistent with the statute of limitations as contained in
25 this chapter. The reports and statements, when no longer
26 required to be retained, shall be disposed of by shredding the
27 reports and statements and disposing of or recycling them, or

1 otherwise disposing of the reports and statements in any other
2 manner prescribed by law. Nothing in this section shall in any
3 manner limit the Department of Archives and History from
4 receiving and retaining any documents pursuant to existing
5 law.

6 (7) Make investigations with respect to statements
7 filed pursuant to this chapter, and with respect to alleged
8 failures to file, or omissions contained therein, any
9 statement required pursuant to this chapter and, upon
10 complaint by any individual, with respect to alleged violation
11 of any part of this chapter to the extent authorized by law.
12 When, in its opinion, a thorough audit of any person should be
13 made in order to determine whether this chapter has been
14 violated, the commission shall direct the Examiners of Public
15 Accounts to have an audit made and a report thereof filed with
16 the commission. The Examiners of Public Accounts, upon receipt
17 of the directive, shall comply therewith.

18 (8) Enforce this chapter as further provided in this
19 section and Section 36-25B-23.

20 (9) Issue and publish advisory opinions on the
21 requirements of this chapter, based on a real or hypothetical
22 set of circumstances. Advisory opinions shall be adopted by a
23 majority vote of the members of the commission present and
24 shall be effective and deemed valid until expressly overruled
25 or altered by the commission or a court of competent
26 jurisdiction. The written advisory opinions of the commission
27 shall protect the person at whose request the opinion was

1 issued and any other person reasonably relying, in good faith,
2 on the advisory opinion in a materially like circumstance from
3 liability to the state, a county, or a municipal subdivision
4 of the state because of any action performed or action
5 refrained from in reliance of the advisory opinion. Nothing in
6 this section shall be deemed to protect any person relying on
7 the advisory opinion if the reliance is not in good faith, is
8 not reasonable, or is not in a materially like circumstance.
9 On and after July 1, 2020, any advisory opinion issued before
10 January 1, 2020, is void unless an individual has requested
11 the continuance of an advisory opinion and the commission has
12 affirmatively decided to uphold that opinion.

13 (10) Initiate and continue, where practicable,
14 programs for the purpose of educating candidates, officials,
15 employees, and residents of this state on matters of ethics in
16 government service.

17 (11) Adopt and enforce rules pursuant to the Alabama
18 Administrative Procedure Act to carry out this chapter.

19 (b) Except as necessary to permit the sharing of
20 information and evidence with a district attorney, a complaint
21 filed pursuant to this chapter, together with any statement,
22 evidence, or information received from the complainant,
23 witnesses, or other individuals shall be protected by and
24 subject to the same restrictions relating to secrecy and
25 nondisclosure of information, conversation, knowledge, or
26 evidence of Sections 12-16-214 to 12-16-216, inclusive. Such
27 restrictions shall apply to all investigatory activities taken

1 by the director, the commission, or a member thereof, staff,
2 employees, or any individual engaged by the commission in
3 response to a complaint filed with the commission and to all
4 proceedings relating thereto before the commission. The
5 restrictions shall also apply to all information and evidence
6 supplied to the Attorney General or district attorney. Any
7 individual who discloses information in violation of this
8 section, upon conviction, shall be guilty of a Class C felony.

9 (c) (1) The commission may authorize an investigation
10 upon a complaint filed with the commission, provided, all of
11 the following occur:

12 a. The commission receives a written and signed
13 complaint setting forth in detail the specific charges against
14 a respondent and the factual allegations that support the
15 charges.

16 b. The commission verifies the identity of the
17 complainant and verifies the complainant has credible and
18 verifiable information supporting the allegations.

19 c. The director makes an initial determination that
20 the complaint, on its face, alleges facts that if true, would
21 constitute a violation of this chapter and that reasonable
22 cause exists to conduct an investigation.

23 (2) If the director determines that the complaint
24 does not allege a violation or that reasonable cause does not
25 exist, the charges shall be dismissed, but the action must be
26 reported to the commission.

1 (3) A complainant may not file a complaint on behalf
2 of any other individual in order to circumvent this
3 subsection.

4 (d) The commission may also authorize an
5 investigation upon written consent of four commission members,
6 upon an express finding that probable cause exists that a
7 violation or violations of this chapter have occurred. Upon
8 the commencement of any investigation, the Alabama Rules of
9 Criminal Procedure as applicable to the grand jury process
10 shall apply and shall remain in effect until the complaint is
11 dismissed or disposed of in some other manner. A complaint may
12 be initiated by a vote of four members of the commission;
13 provided, however, the commission may not conduct the hearing,
14 but rather the hearing shall be conducted by three active or
15 retired judges, who shall be appointed by the Chief Justice of
16 the Alabama Supreme Court. The Chief Justice shall appoint
17 judges to a panel so that diversity of gender and race is
18 reflective of the makeup of the judiciary of this state. The
19 three-judge panel shall conduct the hearing in accordance with
20 the procedures contained in this chapter and in accordance
21 with the rules of the commission. If the three-judge panel
22 unanimously finds that a person has violated this chapter, the
23 three-judge panel shall impose a civil penalty or refer the
24 case to the appropriate district attorney pursuant to Section
25 36-25B-23. In all matters that come before the commission
26 concerning a complaint on an individual, the laws of due
27 process shall apply.

1 (e) Not less than 45 days prior to any hearing
2 before the commission, the respondent shall be given notice
3 that a complaint has been filed against him or her and shall
4 be given a summary of the charges contained in the complaint.
5 Upon the timely request of the respondent, a continuance of
6 the hearing for not less than 30 days shall be granted for
7 good cause shown. The respondent charged in the complaint
8 shall have the right to be represented by legal counsel. The
9 commission may not require the respondent to be a witness
10 against himself or herself and shall provide discovery to the
11 respondent pursuant to the Alabama Rules of Criminal
12 Procedure.

13 (f) (1) All fees, penalties, and fines collected by
14 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) (1) In the course of an investigation, the
22 commission may subpoena witnesses and compel their attendance
23 and may also require the production of books, papers,
24 documents, and other evidence. If any person fails to comply
25 with any subpoena lawfully issued, or if any witness refuses
26 to produce evidence or to testify as to any matter relevant to
27 the investigation, it shall be the duty of any court of

1 competent jurisdiction or the judge thereof, upon the
2 application of the director, to compel obedience upon penalty
3 for contempt, as in the case of disobedience of a subpoena
4 issued for such court or a refusal to testify therein.

5 (2) A subpoena may be issued only upon the vote of
6 four members of the commission upon the express written
7 request of the director. The subpoena shall be subject to
8 Rules 17.1, 17.2, 17.3, and 17.4 of the Alabama Rules of
9 Criminal Procedure.

10 (3) The commission, upon seeking issuance of the
11 subpoena, shall serve a notice to the recipient, at least 10
12 days before the commission intends to serve the subpoena, of
13 the commission's intent along with a copy of the proposed
14 subpoena. Any individual or entity served with notice may
15 serve an objection to the issuance of the subpoena within 10
16 days after service of the notice on the grounds set forth
17 under Rule 17.3(c) of the Alabama Rules of Criminal Procedure
18 and, in such event, the subpoena shall not issue until an
19 order to dismiss, modify, or issue the subpoena is entered by
20 a state court of proper jurisdiction. The order shall be
21 entered within 30 days after making of the objection.

22 (4) Any vote taken by the members of the commission
23 relating to the issuance of a subpoena shall be protected by
24 and subject to the restrictions relating to secrecy and
25 nondisclosure of information, conversation, knowledge, or
26 evidence as provided in Sections 12-16-214 to 12-16-216,
27 inclusive.

1 (h) After receiving or initiating a complaint, the
2 commission has 180 days to determine whether probable cause
3 exists. At the expiration of 180 days from the date of receipt
4 or commencement of a complaint, if the commission does not
5 find probable cause, the complaint shall be deemed dismissed
6 and may not be reinstated based on the same facts alleged in
7 the complaint. Upon good cause shown, the director may request
8 from the commission a one-time extension of 180 days. Upon the
9 majority vote of the commission, the staff may be granted a
10 one-time extension of 180 days in which to complete the
11 investigation. If the commission finds probable cause that a
12 person committed a criminal violation of this chapter, the
13 case and the commission's findings shall be forwarded to the
14 district attorney for the jurisdiction in which the alleged
15 acts occurred. The case, along with the commission's findings,
16 shall be referred for appropriate legal action. Any applicable
17 statute of limitations for a criminal violation shall be
18 tolled for a period of 180 days, or 360 days if extended, upon
19 the receipt or initiation of a complaint pursuant to this
20 section. Once a matter is referred to a district attorney for
21 appropriate legal action, the commission may not take any
22 enforcement action against the person on that matter.

23 (i) Within 180 days of receiving a case referred by
24 the commission, the district attorney to whom the case was
25 referred shall notify the commission, in writing, stating
26 whether he or she intends to take action against the
27 respondent, including an administrative disposition or

1 settlement, conduct further investigation, or close the case
2 without taking action. If the district attorney decides to
3 pursue the case, he or she shall inform the commission of the
4 final disposition of the case.

5 §36-25B-5.

6 (a) In addition to the authorities prescribed in
7 Section 36-25B-4, the commission shall work with the Secretary
8 of State to implement the reporting requirements of the
9 Alabama Fair Campaign Practices Act and shall do all of the
10 following:

11 (1) Approve all forms required by the Fair Campaign
12 Practices Act.

13 (2) Suggest accounting methods for candidates,
14 principal campaign committees, and political action committees
15 in connection with reports and filings required by the Fair
16 Campaign Practices Act.

17 (3) Approve a retention policy for all reports,
18 filings, and underlying documentation required by the Fair
19 Campaign Practices Act.

20 (4) Approve a manual for all candidates, principal
21 campaign committees, and political action committees,
22 describing the requirements of the Fair Campaign Practices Act
23 that shall be published by the Secretary of State.

24 (5) Investigate and hold hearings for receiving
25 evidence regarding alleged violations of the Fair Campaign
26 Practices Act as set forth in this chapter that demonstrate a

1 likelihood that the Fair Campaign Practices Act has been
2 violated.

3 (6) Conduct or authorize audits of any filings
4 required under the Fair Campaign Practices Act if evidence
5 exists that an audit is warranted because of the filing of a
6 complaint in the form required by this chapter or if there
7 exists a material discrepancy or conflict on the face of any
8 filing required by the Fair Campaign Practices Act.

9 (7) Affirm, set aside, or reduce civil penalties as
10 provided in Section 17-5-19.2.

11 (8) Refer all evidence and information necessary to
12 the appropriate district attorney for prosecution of any
13 criminal violation of the Fair Campaign Practices Act as set
14 forth in this chapter.

15 (9) Make investigations with respect to statements
16 filed pursuant to the Fair Campaign Practices Act, and with
17 respect to alleged failures to file, or omissions contained
18 therein, any statement required pursuant to the Fair Campaign
19 Practices Act and, upon complaint by any individual, with
20 respect to alleged violation of any part of that act to the
21 extent authorized by law. When, in its opinion, a thorough
22 audit of any person should be made in order to determine
23 whether the Fair Campaign Practices Act has been violated, the
24 commission shall direct the Examiners of Public Accounts to
25 have an audit made and a report thereof filed with the
26 commission. The Examiners of Public Accounts, upon receipt of
27 the directive, shall comply therewith.

1 (10) Issue and publish advisory opinions on the
2 requirements of the Fair Campaign Practices Act, based on a
3 real or hypothetical set of circumstances. Such advisory
4 opinions shall be adopted by a majority vote of the members of
5 the commission present and shall be effective and deemed valid
6 until expressly overruled or altered by the commission or a
7 court of competent jurisdiction. The written advisory opinions
8 of the commission shall protect the person at whose request
9 the opinion was issued and any other person reasonably
10 relying, in good faith, on the advisory opinion in a
11 materially like circumstance from liability of any kind
12 because of any action performed or action refrained from in
13 reliance of the advisory opinion. Nothing in this section
14 shall be deemed to protect any person relying on the advisory
15 opinion if the reliance is not in good faith, is not
16 reasonable, or is not in a materially like circumstance. Any
17 advisory opinion on the requirements of the Fair Campaign
18 Practices Act issued prior to January 1, 2020, is effective
19 until overruled.

20 (b) A complaint filed pursuant to the Fair Campaign
21 Practices Act shall be subject to the same secrecy and
22 nondisclosure restrictions and prohibitions, as well as
23 penalties for violations, as described in subsection (b) of
24 Section 36-25B-4 for potential violations of this chapter.

25 (c) The commission shall investigate complaints of
26 possible violations of the Fair Campaign Practices Act and
27 refer complaints, as appropriate, to the district attorney, in

1 the same manner as described in subsections (c) to (h),
2 inclusive, of Section 36-25B-4 for violations of this chapter.

3 §36-25B-6.

4 Notwithstanding any other law or rule, a complaint
5 may not be made available to the public or available on the
6 Internet until the disposition of the matter. In no event may
7 a complaint be made public or available on the Internet if the
8 complaint is dismissed or found not to have probable cause. In
9 the matters where the complaint is dismissed or found not to
10 have probable cause, only the disposition of the matter may be
11 made available to the public or available on the Internet.
12 Nothing in this section shall be deemed a direct grant of
13 authority for the commission to publicize or make available on
14 the Internet any complaint or investigation if not permitted
15 by any other law or rule.

16 §36-25B-7.

17 (a) At the beginning of each legislative
18 quadrennium, the commission shall provide for and administer
19 training programs on this chapter for members of the
20 Legislature, state constitutional officers, cabinet officers,
21 executive staff, municipal mayors, council members and
22 commissioners, county commissioners, and lobbyists.

23 (1) The training program for legislators shall be
24 held at least once at the beginning of each quadrennium for
25 members of the Legislature. An additional training program
26 shall be held if material changes are made to this chapter
27 within three months of the effective date of the changes. The

1 time and place of the training programs shall be determined by
2 the director and the Legislative Council. The commission shall
3 also provide a mandatory training program for any legislator
4 elected in a special election within three months of the date
5 that the legislator assumes office.

6 (2) The training program for the state
7 constitutional officers, cabinet members, and executive staff,
8 as determined by the Governor, shall be held within the first
9 30 days after the Governor has been sworn into office. An
10 additional training program shall be held if material changes
11 are made to this chapter within three months of the effective
12 date of the changes. The specific date of the training program
13 shall be established by the director with the advice of the
14 Governor and other constitutional officers.

15 (3) The training program for lobbyists shall be held
16 four times annually as designated by the director, the first
17 of which shall be held within the first 30 days of the year.
18 Training shall be available online and may be conducted online
19 or in person. Each lobbyist must attend a training program
20 within 90 days of registering as a lobbyist. A lobbyist who
21 fails to attend a training program within the 90-day period
22 may not further engage in lobbying. After attending one
23 training program, a lobbyist shall not be required to attend
24 an additional training program unless material changes are
25 made to this chapter. The additional mandatory training
26 program shall be held within three months of the effective
27 date of the changes.

1 (4) All municipal mayors, council members and
2 commissioners, county commissioners, and members of any local
3 board of education shall obtain training within 120 days of
4 being sworn into office. Training shall be available online
5 and may be conducted either online or in person. Evidence of
6 completion of the training shall be provided to the commission
7 via an electronic reporting system provided on the official
8 website. The scheduling of training opportunities for
9 municipal mayors, council members and commissioners, and
10 county commissioners shall be established by the director with
11 the advice and assistance of the Alabama League of
12 Municipalities and the Association of County Commissions of
13 Alabama. Any provision of this section to the contrary
14 notwithstanding, the training for county commissioners
15 required by this subdivision shall be satisfied by the
16 successful completion of the 10-hour course on ethical
17 requirements of public officials provided by the Alabama Local
18 Government Training Institute established pursuant to Article
19 2 of Chapter 3 of Title 11. The Alabama Local Government
20 Training Institute shall provide in writing to the commission
21 quarterly the names of those county commissioners completing
22 the institute's program.

23 (b) The curriculum of each session and faculty for
24 the training program shall be determined by the director. The
25 curriculum shall include, but not be limited to, a review of
26 the current law, a discussion of actual cases and advisory
27 opinions on which the commission has ruled, and a question and

1 answer period for attendees. The faculty for the training
2 program may include the staff of the commission, members of
3 the faculties of the various law schools in the state, and
4 other individuals deemed appropriate by the director and shall
5 include experts in the field of ethics law, individuals
6 affected by the ethics law, and members of the press and
7 media.

8 (c) Except as provided herein, attendance at any
9 session of the training program shall be mandatory, except in
10 the event the individual verifies he or she, in good faith,
11 cannot or could not attend the training program.

12 (d) This section shall not preclude the penalizing,
13 prosecution, or conviction of any member of the Legislature,
14 any public official, or public employee prior to the
15 individual attending a mandatory training program.

16 (e) All public employees required to file a
17 statement of economic interests shall participate in an online
18 educational review of this chapter provided on the official
19 website of the commission. Newly hired public employees shall
20 have 90 days to comply with this subsection. Evidence of
21 completion of the educational review shall be provided to the
22 commission via an electronic reporting system provided on the
23 official website. The educational review required under this
24 subsection shall only be required once, so long as the public
25 employee continuously remains in public service.

26 §36-25B-8.

1 (a) Except as provided in subsection (b), the
2 commission shall implement and maintain each of the following:

3 (1) A system for electronic filing of all
4 statements, reports, registrations, and notices required by
5 this chapter.

6 (2) An electronic database accessible to the public
7 through an Internet website which provides at least the
8 following capabilities:

9 a. Search and retrieval of all statements, reports,
10 and other filings required by this chapter, excluding
11 complaints made confidential by subsection (b) of Section
12 36-25B-4, by the name of the public official or public
13 employee to which they pertain.

14 b. Generation of an aggregate list of all things of
15 value provided to each public official or public employee and
16 his or her family members, as reported pursuant to Section
17 36-25B-17, searchable and retrievable by the name of the
18 public official or public employee.

19 (b) The commission shall exclude from any electronic
20 database accessible to the public, identifying information, as
21 defined in Section 41-13-7, that is included in any statement
22 of economic interest filed by any public official or public
23 employee.

24 §36-25B-9.

25 A public official, public employee, former public
26 official or former public employee, for a period consistent
27 with the statute of limitations as contained in this chapter,

1 may not use or disclose confidential information gained in the
2 course of or by reason of his or her position or employment in
3 any way that could result in financial gain other than his or
4 her regular salary as such public official or public employee
5 for himself or herself, a family member of the public employee
6 or the public official, or for any other person.

7 §36-25B-10.

8 (a) Unless expressly provided otherwise by law, an
9 individual may not serve as a member or employee of a state,
10 county, or municipal regulatory board or commission or other
11 body that regulates any associated business of the individual.
12 Subject to subsection (b), nothing herein shall prohibit a
13 real estate broker, agent, developer, appraiser, mortgage
14 banker, or other individual in the real estate field, or other
15 state-licensed professional, from serving on any planning
16 board or commission, housing authority, zoning board, board of
17 adjustment, code enforcement board, industrial board,
18 utilities board, or state board or commission.

19 (b) Membership of real estate brokers and agents on
20 a county or municipal regulatory board or commission may not
21 exceed more than one less of a majority of the board or
22 commission.

23 §36-25B-11.

24 (a) If a public official or public employee, a
25 family member of the public official or public employee, or an
26 associated business of the public official or public employee
27 represents a client or constituent for a fee before any

1 governmental body, the public official or public employee
2 shall notify the commission not more than 10 days after the
3 first day of the appearance.

4 (b) If a public official, public employee, a family
5 member of the public official or public employee, or an
6 associated business of the public official or public employee
7 enters into a contract to provide goods or services that is to
8 be paid in whole or in part out of state, county, or municipal
9 funds, the public official or public employee shall give a
10 copy of the contract to the commission not more than 10 days
11 after the contract has been executed. This subsection does not
12 apply to any contract awarded through competitive bid laws.

13 §36-25B-12.

14 (a) An appointed public official, for a period of
15 two years after leaving service, may not serve as a lobbyist
16 before the governmental body for which he or she had served.

17 (b) An elected public official, for a period of two
18 years after the expiration of the term to which he or she was
19 elected, may not serve as a lobbyist before the governmental
20 body for which he or she had served, regardless of whether the
21 public official leaves office before the expiration of the
22 term.

23 (c) A public employee or an individual who works for
24 a governmental body pursuant to a consulting agreement, agency
25 transfer, loan, or similar arrangement, for a period of two
26 years after leaving the employment or other arrangement, may

1 not serve as a lobbyist before the governmental body for which
2 he or she had worked.

3 (d) A public official or public employee who has
4 authority over procurements or who recommends or materially
5 influences the approval of grants, awards, or contracts for
6 goods or services, for a period of two years after leaving
7 service or employment, may not enter into, solicit, or
8 negotiate a grant, award, or contract for goods or services
9 with the governmental body for which he or she served or
10 worked.

11 (e) A public official or public employee who
12 personally participates in the direct regulation, audit, or
13 investigation of a private business, corporation, partnership,
14 or individual, for a period of two years after leaving service
15 or employment, may not solicit or accept employment or enter
16 into a consulting agreement with that private business,
17 corporation, partnership, or individual.

18 (f) Nothing in this section shall limit or prohibit
19 any of the following:

20 (1) A former public employee from resuming
21 employment with his or her former employer, unless otherwise
22 restricted or prohibited by law.

23 (2) A former public employee from entering into a
24 consulting agreement with his or her former employer to
25 personally provide consulting services, unless otherwise
26 restricted or prohibited by law.

1 (3) A public official or public employee from
2 accepting employment with another governmental body or another
3 department within the same governmental body and from
4 representing the interests of his or her public employer
5 before the governmental body for which he or she had served.

6 (4) An attorney from representing a client in a
7 legal capacity as an attorney.

8 (g) Nothing in this chapter shall be deemed to limit
9 the right of a public official or public employee to publicly
10 or privately express his or her support for, or to encourage
11 others to support and contribute to, any principal campaign
12 committee as defined in Section 17-5-2, political action
13 committee as defined in Section 17-5-2, referendum, ballot
14 question, issue, or constitutional amendment.

15 (h) An individual who violates this section, upon
16 conviction, is guilty of a Class A misdemeanor and shall
17 forfeit any income received as a result of the violation.

18 §36-25B-13.

19 (a) A statement of economic interests shall be
20 completed and filed in accordance with this chapter with the
21 commission no later than April 30 of each year covering the
22 period of the preceding calendar year by each of the
23 following:

24 (1) All elected public officials.

25 (2) Any appointed public official whose total
26 compensation during the preceding calendar year meets or
27 exceeds eighty thousand dollars (\$80,000) or a higher

1 threshold amount if the commission sets a higher threshold
2 under subsection (g).

3 (3) Any public employee whose total compensation
4 from public funds during the preceding calendar year meets or
5 exceeds eighty thousand dollars (\$80,000) or a higher
6 threshold amount if the commission sets a higher threshold
7 under subsection (g).

8 (4) Members of the State Ethics Commission.

9 (5) Appointed members of boards and commissions
10 having statewide jurisdiction, but excluding members of solely
11 advisory boards.

12 (6) All full-time nonmerit employees, other than
13 those employed in maintenance, clerical, secretarial, or other
14 similar positions.

15 (7) Chief county and municipal clerks, managers,
16 administrators, and administrative officers.

17 (8) Any public official or public employee whose
18 primary duty is to invest public funds.

19 (9) Chief and assistant county building inspectors.

20 (10) Any county or municipal administrator with
21 power to grant or deny land development permits.

22 (11) Chiefs of police.

23 (12) Fire chiefs.

24 (13) City and county school superintendents and
25 school board members.

26 (14) City and county school principals or
27 administrators.

1 (15) Purchasing or procurement agents having the
2 authority to make any purchase.

3 (16) Directors and assistant directors of state
4 agencies.

5 (17) Chief financial and accounting directors.

6 (18) Chief grant coordinators.

7 (19) Each employee of the Legislature or of
8 agencies, including temporary committees and commissions
9 established by the Legislature, other than those employed in
10 maintenance, clerical, secretarial, or similar positions.

11 (20) Each employee of the Judicial Branch of
12 government, including active supernumerary district attorneys
13 and judges, other than those employed in maintenance,
14 clerical, secretarial, or other similar positions.

15 (21) Every full-time public employee serving as a
16 supervisor.

17 (b) Notwithstanding subsection (a) or any other
18 provision of this chapter, no coach of an athletic team of any
19 four-year institution of higher education that receives state
20 funds shall be required to include any income, donations,
21 gifts, or benefits, other than salary, on the statement of
22 economic interests, if the income, donations, gifts, or
23 benefits are a condition of the employment contract.

24 (c) The statement shall be made on a form made
25 available by the commission and shall contain the following
26 information:

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.

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

12 (3) A listing of total combined household income of
13 the public official or public employee during the most recent
14 reporting year as to income from salaries, fees, dividends,
15 profits, commissions, and other compensation and listing the
16 names of each business and the income derived from such
17 business in the following categorical amounts: Less than one
18 thousand dollars (\$1,000); at least one thousand dollars
19 (\$1,000) and less than ten thousand dollars (\$10,000); at
20 least ten thousand dollars (\$10,000) and less than fifty
21 thousand dollars (\$50,000); at least fifty thousand dollars
22 (\$50,000) and less than one hundred fifty thousand dollars
23 (\$150,000); at least one hundred fifty thousand dollars
24 (\$150,000) and less than two hundred fifty thousand dollars
25 (\$250,000); or at least two hundred fifty thousand dollars
26 (\$250,000) or more. The individual reporting shall also name
27 any business or subsidiary thereof in which he or she or his

1 or her spouse or dependents, jointly or severally, own five
2 percent or more of the stock or in which he or she or his or
3 her spouse or dependents serves as an officer, director,
4 trustee, or consultant where the service provides income of at
5 least one thousand dollars (\$1,000) and less than five
6 thousand dollars (\$5,000); or at least five thousand dollars
7 (\$5,000) or more for the reporting period.

8 (4) If the filing public official or public
9 employee, or his or her spouse, has engaged in a business
10 during the last reporting year which provides legal,
11 accounting, medical or health related, real estate, banking,
12 insurance, educational, farming, engineering, architectural
13 management, or other professional services or consultations,
14 then the filing party shall report the number of clients of
15 such business in each of the following categories and the
16 income in categorical amounts received during the reporting
17 period from the combined number of clients in each category:
18 Electric utilities, gas utilities, telephone utilities, water
19 utilities, cable television companies, intrastate
20 transportation companies, pipeline companies, oil or gas
21 exploration companies, or both, oil and gas retail companies,
22 banks, savings and loan associations, loan or finance
23 companies, or both, manufacturing firms, mining companies,
24 life insurance companies, casualty insurance companies, other
25 insurance companies, retail companies, beer, wine or liquor
26 companies or distributors, or combination thereof, trade
27 associations, professional associations, governmental

1 associations, associations of public employees or public
2 officials, counties, and any other businesses or associations
3 that the commission may deem appropriate. Amounts received
4 from combined clients in each category shall be reported in
5 the following categorical amounts: Less than one thousand
6 dollars (\$1,000); more than one thousand dollars (\$1,000) and
7 less than ten thousand dollars (\$10,000); at least ten
8 thousand dollars (\$10,000) and less than twenty-five thousand
9 dollars (\$25,000); at least twenty-five thousand dollars
10 (\$25,000) and less than fifty thousand dollars (\$50,000); at
11 least fifty thousand dollars (\$50,000) and less than one
12 hundred thousand dollars (\$100,000); at least one hundred
13 thousand dollars (\$100,000) and less than one hundred fifty
14 thousand dollars (\$150,000); at least one hundred fifty
15 thousand dollars (\$150,000) and less than two hundred fifty
16 thousand dollars (\$250,000); or at least two hundred fifty
17 thousand dollars (\$250,000) or more.

18 (5) If retainers are in existence or contracted for
19 in any of the above categories of clients, a listing of the
20 categories along with the anticipated income to be expected
21 annually from each category of clients shall be shown in the
22 following categorical amounts: Less than one thousand dollars
23 (\$1,000); at least one thousand dollars (\$1,000) and less than
24 five thousand dollars (\$5,000); or at least five thousand
25 dollars (\$5,000) or more.

26 (6) If real estate is held for investment or revenue
27 production by a public official, his or her spouse or

1 dependents, then a listing thereof in the following fair
2 market value categorical amounts: Under fifty thousand dollars
3 (\$50,000); at least fifty thousand dollars (\$50,000) and less
4 than one hundred thousand dollars (\$100,000); at least one
5 hundred thousand dollars (\$100,000) and less than one hundred
6 fifty thousand dollars (\$150,000); at least one hundred fifty
7 thousand dollars (\$150,000) and less than two hundred fifty
8 thousand dollars (\$250,000); at least two hundred fifty
9 thousand dollars (\$250,000) or more. A listing of annual gross
10 rent and lease income on real estate shall be made in the
11 following categorical amounts: Less than ten thousand dollars
12 (\$10,000); at least ten thousand dollars (\$10,000) and less
13 than fifty thousand dollars (\$50,000); fifty thousand dollars
14 (\$50,000) or more. If a public official or an associated
15 business of the public official received rent or lease income
16 from any governmental agency in Alabama, specific details of
17 the lease or rent agreement shall be filed with the
18 commission.

19 (7) A listing of indebtedness to businesses
20 operating in Alabama showing types and number of each as
21 follows: Banks, savings and loan associations, insurance
22 companies, mortgage firms, stockbrokers and brokerages or bond
23 firms; and the indebtedness to combined organizations in the
24 following categorical amounts: Less than twenty-five thousand
25 dollars (\$25,000); twenty-five thousand dollars (\$25,000) and
26 less than fifty thousand dollars (\$50,000); fifty thousand
27 dollars (\$50,000) and less than one hundred thousand dollars

1 (\$100,000); one hundred thousand dollars (\$100,000) and less
2 than one hundred fifty thousand dollars (\$150,000); one
3 hundred fifty thousand dollars (\$150,000) and less than two
4 hundred fifty thousand dollars (\$250,000); two hundred fifty
5 thousand dollars (\$250,000) or more. The commission may add
6 additional business to this listing. Indebtedness associated
7 with the homestead of the individual filing is exempted from
8 this disclosure requirement.

9 (d) Filing required by this section shall reflect
10 information and facts in existence at the end of the reporting
11 year.

12 (e) If the information required under this section
13 is not filed as required, the commission shall notify the
14 public official or public employee concerned as to his or her
15 failure to so file, and the public official or public employee
16 shall have 10 days to file the report after receipt of the
17 notification. In addition to the civil penalty under
18 subsection (a) of Section 36-25B-23, the commission may assess
19 a fine of ten dollars (\$10) a day, not to exceed one thousand
20 dollars (\$1,000), for failure to file timely.

21 (f) Upon petition, the commission may waive the
22 filing requirement if the filer is deceased or incapable of
23 filing due to infirmity or due to active service in the
24 military.

25 (g) By January 31 of any year during which the
26 threshold amount referenced in subdivisions (2) and (3) of
27 subsection (a) increases by an amount of two thousand dollars

1 (\$2,000) or more pursuant to the U.S. Department of Labor's
2 Consumer Price Index or a successor index, the commission
3 shall adjust the threshold amount to reflect the two thousand
4 dollar (\$2,000) increase.

5 (h) An individual who unintentionally neglects to
6 include any information relating to the financial disclosure
7 filing requirements of this chapter shall have 90 days to file
8 an amended statement of economic interests without penalty.

9 (i) The duty to file the statement of economic
10 interests rests with the individual covered by this chapter.
11 Nothing in this chapter shall be construed to exclude any
12 public employee or public official from this chapter based on
13 whether or not he or she is required to file a statement of
14 economic interests.

15 §36-25B-14.

16 (a) Candidates at every level of government shall
17 file a completed statement of economic interests covering the
18 previous calendar year with the commission simultaneously with
19 the date the candidate files his or her qualifying papers with
20 the appropriate election official or in the case of an
21 independent candidate, the date the individual complies with
22 the requirements of Section 17-9-3. Each election official who
23 receives a declaration of candidacy or petition to appear on
24 the ballot for election from a candidate, within five days of
25 the receipt, shall notify the commission of the name of the
26 candidate and the date on which the individual became a
27 candidate. The commission, within five business days of

1 receipt of such notification, shall notify the election
2 official whether the candidate has complied with this
3 subsection.

4 (b) Any candidate who remains qualified on or after
5 January 1 in the year following the year in which he or she
6 first qualified and filed under subsection (a), shall file
7 with the commission by April 1 of that year, a statement of
8 economic interests covering the previous calendar year.

9 (c) Other provisions of the law notwithstanding, if
10 a candidate does not submit a statement of economic interests
11 or when applicable, an amended statement of economic interests
12 in accordance with this chapter, the name of the individual
13 shall not appear on the ballot and the candidate shall be
14 deemed not qualified as a candidate in that election.
15 Notwithstanding the foregoing, the commission, for good cause
16 shown, may allow the candidate an additional five days to file
17 the statement of economic interests. If a candidate is deemed
18 not qualified, the appropriate election official shall remove
19 the name of the candidate from the ballot.

20 §36-25B-15.

21 (a) The head of every governmental body shall file
22 a report with the commission on any matter that comes to his
23 or her attention in his or her official capacity that, after
24 an appropriate investigation, constitutes a violation of this
25 chapter within 10 days of completing the investigation.

26 (b) The heads of governmental bodies shall cooperate
27 in every possible manner in connection with any investigation

1 or hearing, public or private, which may be conducted by the
2 commission.

3 §36-25B-16.

4 (a) Every lobbyist shall register by filing a form
5 prescribed by the commission no later than January 31 of each
6 year or within 10 days after the first undertaking requiring
7 such registration. Each lobbyist shall pay an annual fee of
8 one hundred dollars (\$100) on or before January 31 of each
9 year or within 10 days of the first undertaking requiring such
10 registration.

11 (b) The registration shall be in writing and shall
12 contain the following:

13 (1) The registrant's full name and business address.

14 (2) A full-face photograph of the registrant.

15 (3) The full name and address of the registrant's
16 principal or principals.

17 (4) If a registrant's activity is done on behalf of
18 the members of a group other than a corporation, a categorical
19 disclosure of the number of persons of the group as follows:
20 1-5; 6-10; 11-25; over 25.

21 (5) A statement signed by each principal that he or
22 she has read the registration, knows its contents and has
23 authorized the registrant to be a lobbyist in his or her
24 behalf as specified therein, and that no compensation will be
25 paid to the registrant contingent upon passage or defeat of
26 any legislative measure.

1 (c) A registrant shall file a supplemental
2 registration indicating any substantial change or changes in
3 the information contained in the prior registration within 10
4 days after the date of the change.

5 §36-25B-17.

6 Every individual registered as a lobbyist pursuant
7 to Section 36-25B-16 and every principal shall file with the
8 commission a report provided by the commission pertaining to
9 the activities set out in that section. The report shall be
10 filed with the commission no later than January 31, April 30,
11 July 31, and October 31 for each preceding calendar quarter,
12 and contain, but not be limited to, the following information:

13 (1) The cost of any thing of value given to a
14 candidate, public official, public employee, or a family
15 member of the candidate, public official, or public employee
16 by the lobbyist, a subordinate of the lobbyist, or the
17 principal, with the name of the recipient or recipients and
18 the date the thing of value was given.

19 (2) A detailed statement showing the exact amount of
20 any loan given or promised to a public official, candidate,
21 public official, or candidate.

22 (3) A detailed statement showing any direct business
23 association or partnership with any public official,
24 candidate, or family member of the public official or
25 candidate.

26 §36-25B-18.

1 Any individual who is not otherwise a lobbyist
2 pursuant to this chapter who negotiates or attempts to
3 negotiate a contract, sells, or attempts to sell, goods or
4 services, or engages or attempts to engage in a financial
5 transaction with a public official or public employee in his
6 or her official capacity and who, within a calendar day,
7 expends more than two hundred fifty dollars (\$250) on the
8 public employee, public official, or a family member of the
9 public official or public employee, shall file a detailed
10 quarterly report of the expenditure with the commission in
11 accordance with the reporting requirements in Section
12 36-25B-17.

13 §36-25B-19.

14 (a) An individual who ceases to engage in activities
15 requiring registration pursuant to Section 36-25B-16 shall
16 file a written, verified statement with the commission
17 acknowledging the termination of activities. The notice shall
18 be effective immediately.

19 (b) An individual who files a notice of termination
20 pursuant to this section shall file the reports required
21 pursuant to Section 36-25B-17 for any reporting period during
22 which he or she was registered pursuant to this chapter.

23 §36-25B-20.

24 No former member of the House of Representatives or
25 the Senate of the State of Alabama shall be extended floor
26 privileges of either body in a lobbying capacity.

27 §36-25B-21.

1 No principal or lobbyist shall accept compensation
2 for, or enter into a contract to provide, lobbying services
3 which is contingent upon the passage or defeat of any
4 legislative action.

5 §36-25B-22.

6 (a) A supervisor shall not discharge, demote,
7 transfer, or otherwise discriminate against a public employee
8 regarding such employee's compensation, terms, conditions, or
9 privileges of employment based on the employee's reporting a
10 violation, or what he or she believes in good faith to be a
11 violation, of this chapter or giving truthful statements or
12 truthful testimony concerning an alleged ethics violation.

13 (b) Nothing in this chapter shall be construed in
14 any manner to prevent or prohibit or otherwise limit a
15 supervisor from disciplining, discharging, transferring, or
16 otherwise affecting the terms and conditions of a public
17 employee's employment so long as the disciplinary action does
18 not result from, or is in no other manner connected with, the
19 public employee's filing a complaint with the commission,
20 giving truthful statements, and truthfully testifying.

21 (c) A public employee may not file a complaint or
22 otherwise initiate action against a public official or other
23 public employee without a good faith basis for believing the
24 complaint to be true and accurate.

25 (d) A supervisor who is alleged to have violated
26 this section shall be subject to a civil action in the circuit

1 courts of this state pursuant to the Alabama Rules of Civil
2 Procedure.

3 (e) A public employee who files a complaint against
4 a supervisor without a good faith belief in the truthfulness
5 and accuracy of the complaint shall be subject to a civil
6 action in the circuit courts in the State of Alabama pursuant
7 to the Alabama Rules of Civil Procedure. A public employee who
8 violates this subsection is subject to appropriate and
9 applicable personnel action.

10 §36-25B-23.

11 (a) Any individual subject to this chapter who
12 knowingly violates any disclosure or reporting requirement of
13 this chapter is subject to a civil penalty levied by the
14 commission not to exceed five thousand dollars (\$5,000).

15 (b) Any individual who knowingly makes or transmits
16 a false complaint pursuant to this chapter, upon conviction,
17 shall be guilty of a Class A misdemeanor and shall be liable
18 for the actual legal expenses incurred by the respondent
19 against whom the false report or complaint was filed.

20 (c) Any individual who makes false statements to an
21 employee of the commission or to the commission itself
22 pursuant to this chapter without reason to believe the
23 accuracy of the statements, upon conviction, shall be guilty
24 of a Class A misdemeanor.

25 (d) If the commission determines to address a
26 violation of this chapter or the Fair Campaign Practices Act

1 administratively, the action shall preclude any criminal
2 prosecution pursuant to this chapter for the same conduct.

3 (e) In the event the commission, by majority vote,
4 finds that any criminal provision of this chapter or a
5 provision of the Fair Campaign Practices Act has been
6 violated, subject to subsection (d), the alleged violation and
7 any investigation conducted by the commission shall be
8 referred to the district attorney of the appropriate
9 jurisdiction. The commission shall provide appropriate
10 assistance to the district attorney. A district attorney may
11 request from the Attorney General any opinion, instruction, or
12 advice necessary or proper to aid the district attorney in the
13 prosecution of a violation, as provided in Section 36-15-15.

14 (f) If a person fails to pay any civil penalty
15 imposed by the commission pursuant to this chapter or the Fair
16 Campaign Practices Act, the commission may file an action to
17 collect the penalty in the District Court of Montgomery
18 County. The person shall be responsible for paying all costs
19 associated with the collection of the penalty.

20 (g) Any appeal of a civil penalty imposed by the
21 commission shall be made in the Circuit Court of Montgomery
22 County.

23 (h) Nothing in this chapter limits the power of a
24 legislative body to discipline its own members or to impeach
25 public officials, or limits the powers of a governmental body
26 to discipline its respective public officials or public
27 employees.

1 §36-25B-24.

2 (a) The Legislature shall appropriate such sums as
3 it deems necessary to implement the provisions of and
4 administer this chapter and the Fair Campaign Practices Act.

5 (b) Notwithstanding any other provision of law to
6 the contrary, the annual appropriation to the commission in
7 the state General Fund Appropriations Act shall not be less
8 than one tenth of one percent of the total state General Fund
9 amount appropriated in the state General Fund Appropriations
10 Act unless a lower appropriation amount is expressly approved
11 by two-thirds of the membership of the House of
12 Representatives and two-thirds of the membership of the
13 Senate.

14 §36-25B-25.

15 This chapter shall be construed in pari materia with
16 other laws dealing with the subject of ethics, including, but
17 not limited to, Title 13A.

18 Section 6. Section 36-25-1.3 is added to the Code of
19 Alabama 1975, to read as follows:

20 §36-25-1.3.

21 (a) Notwithstanding any provision of law, including,
22 but not limited to, this chapter, an individual acting as an
23 economic development professional is not a lobbyist, unless
24 and until he or she seeks incentives through legislative
25 action in the Legislature, that are above and beyond, or in
26 addition to, the then current statutory or constitutional
27 authorization.

1 (b) For purposes of this section, an economic
2 development professional is an individual seeking to advance
3 specific, good faith economic development or trade promotion
4 projects or related objectives for a business, chamber of
5 commerce or similar nonprofit economic development
6 organization in the State of Alabama, a city, a county, a
7 political subdivision of the state, or a governmental
8 corporation or authority.

9 (c) For purposes of this section, the term economic
10 development professional does not include elected officials,
11 legislators, nor any former legislator within two years of the
12 end of the term for which he or she was elected.

13 (d) This section shall not apply to any person that
14 is otherwise required to register as a lobbyist.

15 Section 7. A violation or offense committed prior to
16 the repeal of Chapter 25 of Title 36 pursuant to this act is
17 not affected by the repeal of that chapter, and any
18 prosecution or proceeding before the State Ethics Commission
19 for any violation or offense in Chapter 25 pending on January
20 1, 2020, shall proceed as if the chapter was not repealed.

21 Section 8. Although this bill would have as its
22 purpose or effect the requirement of a new or increased
23 expenditure of local funds, the bill is excluded from further
24 requirements and application under Amendment 621, now
25 appearing as Section 111.05 of the Official Recompilation of
26 the Constitution of Alabama of 1901, as amended, because the

1 bill defines a new crime or amends the definition of an
2 existing crime.

3 Section 9. This act shall take effect on January 1,
4 2020, following its passage and approval by the Governor, or
5 its otherwise becoming law, except Section 6 shall take effect
6 immediately upon its passage and approval by the Governor, or
7 its otherwise becoming law.