

1 HB500
2 158716-1
3 By Representatives Merrill, Ball, Greer and Newton
4 RFD: Ethics and Campaign Finance
5 First Read: 18-FEB-14

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8 SYNOPSIS: Under existing law, several provisions in
9 the Code of Alabama 1975, include outdated and
10 incorrect terminology and cross references to
11 various sections of the Fair Campaign Practices Act
12 as codified in Chapter 5, Title 17 of the Code of
13 Alabama 1975.

14 This bill would correct these outdated and
15 incorrect terminology and cross references to the
16 code.

17
18 A BILL
19 TO BE ENTITLED
20 AN ACT

21
22 Relating to elections; to amend Sections 27-2-2,
23 36-25-1, 36-25-5, 36-25-13, 36-25-14, 36-25-15, 36-25-19, and
24 40-14A-43, Code of Alabama 1975, to correct certain
25 terminology and cross references to the Fair Campaign Practice
26 Act as codified in Chapter 5, Title 17 of the Code of Alabama
27 1975.

1 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

2 Section 1. Sections 27-2-2, 36-25-1, 36-25-5,
3 36-25-13, 36-25-14, 36-25-15, 36-25-19, and 40-14A-43, Code of
4 Alabama 1975, are amended to read as follows:

5 "§27-2-2.

6 "(a) A Commissioner of Insurance shall be chief
7 executive officer of the department. The commissioner shall be
8 appointed by the Governor. He shall serve for a term
9 concurrent with that of the Governor by whom he is appointed,
10 or for the unexpired portion thereof.

11 "(b) The commissioner shall be selected with special
12 reference to his training, experience and capacity. He shall
13 not be a candidate for, nor hold, any other public office of
14 trust nor be a member of any political action committee or
15 principal campaign committee as defined in Section 17-5-2. If
16 he becomes a candidate for public office or becomes a member
17 of a political action committee or principal campaign
18 committee, his office as commissioner shall be immediately
19 vacated.

20 "§36-25-1.

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

23 "(1) BUSINESS. Any corporation, partnership,
24 proprietorship, firm, enterprise, franchise, association,
25 organization, self-employed individual, or any other legal
26 entity.

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

6 "(3) CANDIDATE. This term as used in this chapter
7 shall have the same meaning ascribed to it in Section ~~17-22A-2~~
8 17-5-2.

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

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

12 "(6) COMPLAINANT. A person who alleges a violation
13 or violations of this chapter by filing a complaint against a
14 respondent.

15 "(7) CONFIDENTIAL INFORMATION. A complaint filed
16 pursuant to this chapter, together with any statement,
17 conversations, knowledge of evidence, or information received
18 from the complainant, witness, or other person related to such
19 complaint.

20 "(8) CONFLICT OF INTEREST. A conflict on the part of
21 a public official or public employee between his or her
22 private interests and the official responsibilities inherent
23 in an office of public trust. A conflict of interest involves
24 any action, inaction, or decision by a public official or
25 public employee in the discharge of his or her official duties
26 which would materially affect his or her financial interest or
27 those of his or her family members or any business with which

1 the person is associated in a manner different from the manner
2 it affects the other members of the class to which he or she
3 belongs. A conflict of interest shall not include any of the
4 following:

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

7 "b. An occasional nonpecuniary award publicly
8 presented by an organization for performance of public
9 service.

10 "c. Payment of or reimbursement for actual and
11 necessary expenditures for travel and subsistence for the
12 personal attendance of a public official or public employee at
13 a convention or other meeting at which he or she is scheduled
14 to meaningfully participate in connection with his or her
15 official duties and for which attendance no reimbursement is
16 made by the state.

17 "d. Any campaign contribution, including the
18 purchase of tickets to, or advertisements in journals, for
19 political or testimonial dinners, if the contribution is
20 actually used for political purposes and is not given under
21 circumstances from which it could reasonably be inferred that
22 the purpose of the contribution is to substantially influence
23 a public official in the performance of his or her official
24 duties.

25 "(9) DAY. Calendar day.

26 "(10) DEPENDENT. Any person, regardless of his or
27 her legal residence or domicile, who receives 50 percent or

1 more of his or her support from the public official or public
2 employee or his or her spouse or who resided with the public
3 official or public employee for more than 180 days during the
4 reporting period.

5 "(11) DE MINIMIS. A value twenty-five dollars (\$25)
6 or less per occasion and an aggregate of fifty dollars (\$50)
7 or less in a calendar year from any single provider, or such
8 other amounts as may be prescribed by the Ethics Commission
9 from time to time by rule pursuant to the Administrative
10 Procedure Act or adjusted each four years from August 1, 2012,
11 to reflect any increase in the cost of living as indicated by
12 the United States Department of Labor Consumer Price Index or
13 any succeeding equivalent index.

14 "(12) ECONOMIC DEVELOPMENT FUNCTION. Any function
15 reasonably and directly related to the advancement of a
16 specific, good-faith economic development or trade promotion
17 project or objective.

18 "(13) EDUCATIONAL FUNCTION. A meeting, event, or
19 activity held within the State of Alabama, or if the function
20 is predominantly attended by participants from other states,
21 held within the continental United States, which is organized
22 around a formal program or agenda of educational or
23 informational speeches, debates, panel discussions, or other
24 presentations concerning matters within the scope of the
25 participants' official duties or other matters of public
26 policy, including social services and community development
27 policies, economic development or trade, ethics, government

1 services or programs, or government operations, and which,
2 taking into account the totality of the program or agenda,
3 could not reasonably be perceived as a subterfuge for a purely
4 social, recreational, or entertainment function.

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

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

11 "(16) GOVERNMENTAL CORPORATIONS AND AUTHORITIES.
12 Public or private corporations and authorities, including but
13 not limited to, hospitals or other health care corporations,
14 established pursuant to state law by state, county or
15 municipal governments for the purpose of carrying out a
16 specific governmental function. Notwithstanding the foregoing,
17 all employees, including contract employees, of hospitals or
18 other health care corporations and authorities are exempt from
19 the provisions of this chapter.

20 "(17) HOUSEHOLD. The public official, public
21 employee, and his or her spouse and dependents.

22 "(18) LAW ENFORCEMENT OFFICER. A full-time employee
23 of a governmental unit responsible for the prevention or
24 investigation of crime who is authorized by law to carry
25 firearms, execute search warrants, and make arrests.

26 "(19) LEGISLATIVE BODY. The Senate of Alabama, the
27 House of Representatives of Alabama, a county commission, city

1 council, city commission, town council, or municipal council
2 or commission, and any committee or subcommittee thereof.

3 "(20) LOBBY or LOBBYING. The practice of promoting,
4 opposing, or in any manner influencing or attempting to
5 influence the introduction, defeat, or enactment of
6 legislation before any legislative body; opposing or in any
7 manner influencing the executive approval, veto, or amendment
8 of legislation; or the practice of promoting, opposing, or in
9 any manner influencing or attempting to influence the
10 enactment, promulgation, modification, or deletion of
11 regulations before any regulatory body. The term does not
12 include providing public testimony before a legislative body
13 or regulatory body or any committee thereof.

14 "(21) LOBBYIST.

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

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

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

21 "3. A consultant to the state, county, or municipal
22 levels of government or their instrumentalities, in any manner
23 employed to influence legislation or regulation, regardless
24 whether the consultant is paid in whole or part from state,
25 county, municipal, or private funds.

26 "4. An employee, a paid consultant, or a member of
27 the staff of a lobbyist, whether or not he or she is paid, who

1 regularly communicates with members of a legislative body
2 regarding pending legislation and other matters while the
3 legislative body is in session.

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

6 "1. An elected official on a matter which involves
7 that person's official duties.

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

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

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

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

26 "6. A person whose primary duties or
27 responsibilities do not include lobbying, but who may, from

1 time to time, organize social events for members of a
2 legislative body to meet and confer with members of
3 professional organizations and who may have only irregular
4 contacts with members of a legislative body when the body is
5 not in session or when the body is in recess.

6 "7. A person who is a member of a business,
7 professional, or membership organization by virtue of the
8 person's contribution to or payment of dues to the
9 organization even though the organization engages in lobbying
10 activities.

11 "8. A state governmental agency head or his or her
12 designee who provides or communicates, or both, information
13 relating to policy or positions, or both, affecting the
14 governmental agencies which he or she represents.

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

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

23 "(24) PRINCIPAL. A person or business which employs,
24 hires, or otherwise retains a lobbyist. A principal is not a
25 lobbyist but is not allowed to give a thing of value.

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

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

13 "(27) PUBLIC OFFICIAL. Any person elected to public
14 office, whether or not that person has taken office, by the
15 vote of the people at state, county, or municipal level of
16 government or their instrumentalities, including governmental
17 corporations, and any person appointed to a position at the
18 state, county, or municipal level of government or their
19 instrumentalities, including governmental corporations. For
20 purposes of this chapter, a public official includes the
21 chairs and vice-chairs or the equivalent offices of each state
22 political party as defined in Section 17-13-40.

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

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

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

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

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

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

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

25 "(34) THING OF VALUE.

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

1 event, unsecured loan, other than those loans and forbearances
2 made in the ordinary course of business, reward, promise of
3 future employment, or honoraria or other item of monetary
4 value.

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

8 "1. A contribution reported under Chapter 5 of Title
9 17 or a contribution to an inaugural or transition committee.

10 "2. Anything given by a family member of the
11 recipient under circumstances which make it clear that it is
12 motivated by a family relationship.

13 "3. Anything given by a friend of the recipient
14 under circumstances which make it clear that it is motivated
15 by a friendship and not given because of the recipient's
16 official position. Relevant factors include whether the
17 friendship preexisted the recipient's status as a public
18 employee, public official, or candidate and whether gifts have
19 been previously exchanged between them.

20 "4. Greeting cards, and other items, services with
21 little intrinsic value which are intended solely for
22 presentation, such as plaques, certificates, and trophies,
23 promotional items commonly distributed to the general public,
24 and items or services of de minimis value.

25 "5. Loans from banks and other financial
26 institutions on terms generally available to the public.

1 "6. Opportunities and benefits, including favorable
2 rates and commercial discounts, available to the public or to
3 a class consisting of all government employees.

4 "7. Rewards and prizes given to competitors in
5 contests or events, including random drawings, which are open
6 to the public.

7 "8. Anything that is paid for by a governmental
8 entity or an entity created by a governmental entity to
9 support the governmental entity or secured by a governmental
10 entity under contract, except for tickets to a sporting event
11 offered by an educational institution to anyone other than
12 faculty, staff, or administration of the institution.

13 "9. Anything for which the recipient pays full
14 value.

15 "10. Compensation and other benefits earned from a
16 non-government employer, vendor, client, prospective employer,
17 or other business relationship in the ordinary course of
18 employment or non-governmental business activities under
19 circumstances which make it clear that the thing is provided
20 for reasons unrelated to the recipient's public service as a
21 public official or public employee.

22 "11. Any assistance provided or rendered in
23 connection with a safety or a health emergency.

24 "12. Payment of or reimbursement for actual and
25 necessary transportation and lodging expenses, as well as
26 waiver of registration fees and similar costs, to facilitate
27 the attendance of a public official or public employee, and

1 the spouse of the public official or public employee, at an
2 educational function or widely attended event of which the
3 person is a primary sponsor. This exclusion applies only if
4 the public official or public employee meaningfully
5 participates in the event as a speaker or a panel participant,
6 by presenting information related to his or her agency or
7 matters pending before his or her agency, or by performing a
8 ceremonial function appropriate to his or her official
9 position; or if the public official's or public employee's
10 attendance at the event is appropriate to the performance of
11 his or her official duties or representative function.

12 "13. Payment of or reimbursement for actual and
13 necessary transportation and lodging expenses to facilitate a
14 public official's or public employee's participation in an
15 economic development function.

16 "14. Hospitality, meals, and other food and
17 beverages provided to a public official or public employee,
18 and the spouse of the public official or public employee, as
19 an integral part of an educational function, economic
20 development function, work session, or widely attended event,
21 such as a luncheon, banquet, or reception hosted by a civic
22 club, chamber of commerce, charitable or educational
23 organization, or trade or professional association.

24 "15. Any function or activity pre-certified by the
25 Director of the Ethics Commission as a function that meets any
26 of the above criteria.

1 "16. Meals and other food and beverages provided to
2 a public official or public employee in a setting other than
3 any of the above functions not to exceed for a lobbyist
4 twenty-five dollars (\$25) per meal with a limit of one hundred
5 fifty dollars (\$150) per year; and not to exceed for a
6 principal fifty dollars (\$50) per meal with a limit of two
7 hundred fifty dollars (\$250) per year. Notwithstanding the
8 foregoing, the lobbyist's limits herein shall not count
9 against the principal's limits and likewise, the principal's
10 limits shall not count against the lobbyist's limits.

11 "17. Anything either (i) provided by an association
12 or organization to which the state or, in the case of a local
13 government official or employee, the local government pays
14 annual dues as a membership requirement or (ii) provided by an
15 association or organization to a public official who is a
16 member of the association or organization and, as a result of
17 his or her service to the association or organization, is
18 deemed to be a public official. Further included in this
19 exception is payment of reasonable compensation by a
20 professional or local government association or corporation to
21 a public official who is also an elected officer or director
22 of the professional or local government association or
23 corporation for services actually provided to the association
24 or corporation in his or her capacity as an officer or
25 director.

26 "18. Any benefit received as a discount on
27 accommodations, when the discount is given to the public

1 official because the public official is a member of an
2 organization or association whose entire membership receives
3 the discount.

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

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

12 "(36) WIDELY ATTENDED EVENT. A gathering, dinner,
13 reception, or other event of mutual interest to a number of
14 parties at which it is reasonably expected that more than 12
15 individuals will attend and that individuals with a diversity
16 of views or interest will be present.

17 "§36-25-5.

18 "(a) No public official or public employee shall use
19 or cause to be used his or her official position or office to
20 obtain personal gain for himself or herself, or family member
21 of the public employee or family member of the public
22 official, or any business with which the person is associated
23 unless the use and gain are otherwise specifically authorized
24 by law. Personal gain is achieved when the public official,
25 public employee, or a family member thereof receives, obtains,
26 exerts control over, or otherwise converts to personal use the
27 object constituting such personal gain.

1 "(b) Unless prohibited by the Constitution of
2 Alabama of 1901, nothing herein shall be construed to prohibit
3 a public official from introducing bills, ordinances,
4 resolutions, or other legislative matters, serving on
5 committees, or making statements or taking action in the
6 exercise of his or her duties as a public official. A member
7 of a legislative body may not vote for any legislation in
8 which he or she knows or should have known that he or she has
9 a conflict of interest.

10 "(c) No public official or public employee shall use
11 or cause to be used equipment, facilities, time, materials,
12 human labor, or other public property under his or her
13 discretion or control for the private benefit or business
14 benefit of the public official, public employee, any other
15 person, or principal campaign committee as defined in Section
16 ~~17-22A-2~~ 17-5-2, which would materially affect his or her
17 financial interest, except as otherwise provided by law or as
18 provided pursuant to a lawful employment agreement regulated
19 by agency policy. Provided, however, nothing in this
20 subsection shall be deemed to limit or otherwise prohibit
21 communication between public officials or public employees and
22 eleemosynary or membership organizations or such organizations
23 communicating with public officials or public employees.

24 "(d) No person shall solicit a public official or
25 public employee to use or cause to be used equipment,
26 facilities, time, materials, human labor, or other public
27 property for such person's private benefit or business

1 benefit, which would materially affect his or her financial
2 interest, except as otherwise provided by law.

3 "(e) No public official or public employee shall,
4 other than in the ordinary course of business, solicit a thing
5 of value from a subordinate or person or business with whom he
6 or she directly inspects, regulates, or supervises in his or
7 her official capacity.

8 "(f) A conflict of interest shall exist when a
9 member of a legislative body, public official, or public
10 employee has a substantial financial interest by reason of
11 ownership of, control of, or the exercise of power over any
12 interest greater than five percent of the value of any
13 corporation, company, association, or firm, partnership,
14 proprietorship, or any other business entity of any kind or
15 character which is uniquely affected by proposed or pending
16 legislation; or who is an officer or director for any such
17 corporation, company, association, or firm, partnership,
18 proprietorship, or any other business entity of any kind or
19 character which is uniquely affected by proposed or pending
20 legislation.

21 "§36-25-13.

22 "(a) No public official shall serve for a fee as a
23 lobbyist or otherwise represent clients, including his or her
24 employer before the board, agency, commission, department, or
25 legislative body, of which he or she is a former member for a
26 period of two years after he or she leaves such membership.
27 For the purposes of this subsection, such prohibition shall

1 not include a former member of the Alabama judiciary who as an
2 attorney represents a client in a legal, non-lobbying
3 capacity.

4 "(b) No public employee shall serve for a fee as a
5 lobbyist or otherwise represent clients, including his or her
6 employer before the board, agency, commission, or department,
7 of which he or she is a former employee for a period of two
8 years after he or she leaves such employment. For the purposes
9 of this subsection, such prohibition shall not include a
10 former employee of the Alabama judiciary who as an attorney
11 represents a client in a legal, non-lobbying capacity.

12 "(c) No public official, director, assistant
13 director, department or division chief, purchasing or
14 procurement agent having the authority to make purchases, or
15 any person who participates in the negotiation or approval of
16 contracts, grants, or awards or any person who negotiates or
17 approves contracts, grants, or awards shall enter into,
18 solicit, or negotiate a contract, grant, or award with the
19 governmental agency of which the person was a member or
20 employee for a period of two years after he or she leaves the
21 membership or employment of such governmental agency.

22 "(d) No public official or public employee who
23 personally participates in the direct regulation, audit, or
24 investigation of a private business, corporation, partnership,
25 or individual shall within two years of his or her departure
26 from such employment solicit or accept employment with such
27 private business, corporation, partnership, or individual.

1 "(e) No former public official or public employee of
2 the state may, within two years after termination of office or
3 employment, act as attorney for any person other than himself
4 or herself or the state, or aid, counsel, advise, consult or
5 assist in representing any other person, in connection with
6 any judicial proceeding or other matter in which the state is
7 a party or has a direct and substantial interest and in which
8 the former public official or public employee participated
9 personally and substantially as a public official or employee
10 or which was within or under the public official or public
11 employee's official responsibility as an official or employee.
12 This prohibition shall extend to all judicial proceedings or
13 other matters in which the state is a party or has a direct
14 and substantial interest, whether arising during or subsequent
15 to the public official or public employee's term of office or
16 employment.

17 "(f) Nothing in this chapter shall be deemed to
18 limit the right of a public official or public employee to
19 publicly or privately express his or her support for or to
20 encourage others to support and contribute to any candidate,
21 ~~political committee as defined in Section 17-22A-2~~ action
22 committee, or principal campaign committee as defined in
23 Section 17-5-2, referendum, ballot question, issue, or
24 constitutional amendment.

25 "§36-25-14.

26 "(a) A statement of economic interests shall be
27 completed and filed in accordance with this chapter with the

1 commission no later than April 30 of each year covering the
2 period of the preceding calendar year by each of the
3 following:

4 "(1) All elected public officials at the state,
5 county, or municipal level of government or their
6 instrumentalities.

7 "(2) Any person appointed as a public official and
8 any person employed as a public employee at the state, county,
9 or municipal level of government or their instrumentalities
10 who occupies a position whose base pay is seventy-five
11 thousand dollars (\$75,000) or more annually, as adjusted by
12 the commission by January 31 of each year to reflect changes
13 in the U.S. Department of Labor's Consumer Price Index, or a
14 successor index.

15 "(3) All candidates, simultaneously with the date he
16 or she becomes a candidate as defined in Section ~~17-22A-2~~
17 17-5-2, or the date the candidate files his or her qualifying
18 papers, whichever comes first.

19 "(4) Members of the Alabama Ethics Commission;
20 appointed members of boards and commissions having statewide
21 jurisdiction (but excluding members of solely advisory
22 boards).

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

26 "(6) Chief clerks and chief managers.

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

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

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

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

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

1 "(1) Name, residential address, business; name,
2 address, and business of living spouse and dependents; name of
3 living adult children; name of parents and siblings; name of
4 living parents of spouse. Undercover law enforcement officers
5 may have their residential addresses and the names of family
6 members removed from public scrutiny by filing an affidavit
7 stating that publicizing this information would potentially
8 endanger their families.

9 "(2) A list of occupations to which one third or
10 more of working time was given during 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 person reporting shall also name any
27 business or subsidiary thereof in which he or she or his or

1 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
27 revenue 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 a business in which
15 the person is associated received rent or lease income from
16 any governmental agency in Alabama, specific details of the
17 lease or rent agreement shall be filed with the commission.

18 "(7) A listing of indebtedness to businesses
19 operating in Alabama showing types and number of each as
20 follows: Banks, savings and loan associations, insurance
21 companies, mortgage firms, stockbrokers and brokerages or bond
22 firms; and the indebtedness to combined organizations in the
23 following categorical amounts: Less than twenty-five thousand
24 dollars (\$25,000); twenty-five thousand dollars (\$25,000) and
25 less than fifty thousand dollars (\$50,000); fifty thousand
26 dollars (\$50,000) and less than one hundred thousand dollars
27 (\$100,000); one hundred thousand dollars (\$100,000) and less

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

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

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

19 "(e) A person who intentionally violates any
20 financial disclosure filing requirement of this chapter shall
21 be subject to administrative fines imposed by the commission,
22 or shall, upon conviction, be guilty of a Class A misdemeanor,
23 or both.

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

1 "§36-25-15.

2 "(a) Candidates at every level of government shall
3 file a completed statement of economic interests for the
4 previous calendar year with the appropriate election official
5 simultaneously with the date he or she becomes a candidate as
6 defined in Section ~~17-22A-2~~ 17-5-2 or the date such candidate
7 files his or her qualifying papers with the appropriate
8 election official, whichever date occurs first. Such election
9 official shall within five days forward the statement of
10 economic interests of the candidate to the commission. Nothing
11 in this section shall be deemed to require a second filing of
12 the person's statement of economic interests if a current
13 statement of economic interests is on file with the
14 commission.

15 "(b) Each election official who receives a
16 declaration of candidacy or petition to appear on the ballot
17 for election from a candidate and each official who nominates
18 a person to serve as a public official shall, within five days
19 of the receipt or nomination, notify the commission of the
20 name of the candidate, as defined in this chapter, and the
21 date on which the person became a candidate or was nominated
22 as a public official.

23 "(c) Other provisions of the law notwithstanding, if
24 a candidate does not submit a statement of economic interests
25 in accordance with the requirements of this chapter, the name
26 of the person shall not appear on the ballot and the candidate
27 shall be deemed not qualified as a candidate in that election.

1 Notwithstanding the foregoing, the commission may, for good
2 cause shown, allow the candidate an additional five days to
3 file such statement of economic interests. If a candidate is
4 deemed not qualified, the appropriate election official shall
5 remove the name of the candidate from the ballot.

6 "§36-25-19.

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

15 "(1) The cost of those items excluded from the
16 definition of a thing of value which are described in Section
17 36-25-1(34)b. and which are expended within a 24-hour period
18 on a public official, public employee, and members of his or
19 her respective household in excess of two hundred fifty
20 dollars (\$250) with the name or names of the recipient or
21 recipients and the date of the expenditure.

22 "(2) The nature and date of any financial
23 transaction between the public official, candidate, or member
24 of the household of such public official or candidate and the
25 lobbyist or principal of a value in excess of five hundred
26 dollars (\$500) in the prior quarter, excluding those financial
27 transactions which are required to be reported by candidates

1 under the Fair Campaign Practices Act as provided in Chapter
2 ~~22A (commencing with Section 17-22A-1)~~ 5 of Title 17.

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

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

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

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

27 "§40-14A-43.

1 "The taxes levied by this chapter shall not apply to
2 any organization described in 26 U.S.C. §501(a), any county,
3 municipality, municipal corporation, or the State of Alabama,
4 or any corporation or association owned solely by counties,
5 municipalities, or the State of Alabama, any community chest,
6 fund, or foundation, or any entity organized and operated
7 exclusively for religious purposes, any homeowners
8 association, any political party, political action committee,
9 ~~political~~ principal campaign committee, or any agricultural
10 cooperative."

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