

1 HB136
2 135666-3
3 By Representative McCutcheon
4 RFD: Ethics and Campaign Finance
5 First Read: 07-FEB-12
6 PFD: 02/02/2012

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8 SYNOPSIS: Under existing law, unless otherwise
9 required by law, no public employee occupying a
10 position earning less than \$50,000 per year is
11 required to file a statement of economic interests.

12 Existing law also prohibits the giving of a
13 thing of value to a public employee.

14 This bill would increase the threshold for
15 filing a statement of economic interests and allow
16 the commission to adjust the amount pursuant to the
17 cost-of-living index and exempt employees who do
18 not have the authority to expend public funds.

19 This bill would provide that a public
20 employee who is not required to file a statement of
21 economic interests would be exempt from the gift
22 exception in the ethics law.

23
24 A BILL
25 TO BE ENTITLED
26 AN ACT
27

1 To amend Section 36-25-1, as amended by Act 2010-764
2 of the 2010 First Special Session and Section 36-25-14, Code
3 of Alabama 1975, relating to ethics; to increase the threshold
4 for filing a statement of economic interests and allow the
5 commission to adjust the amount pursuant to the cost-of-living
6 index and exempt employees who do not have the authority to
7 expend public funds; and to provide that a public employee who
8 is not required to file a statement of economic interests
9 would be exempt from the gift exception in the ethics law.

10 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

11 Section 1. Section 36-25-1, as amended by Act
12 2010-764 of the 2010 First Special Session and Section
13 36-25-14, Code of Alabama 1975, are amended to read as
14 follows:

15 "§36-25-1.

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

18 "(1) BUSINESS. Any corporation, partnership,
19 proprietorship, firm, enterprise, franchise, association,
20 organization, self-employed individual, or any other legal
21 entity.

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

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

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

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

7 "(6) COMPLAINANT. A person who alleges a violation
8 or violations of this chapter by filing a complaint against a
9 respondent.

10 "(7) CONFIDENTIAL INFORMATION. A complaint filed
11 pursuant to this chapter, together with any statement,
12 conversations, knowledge of evidence, or information received
13 from the complainant, witness, or other person related to such
14 complaint.

15 "(8) 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 any action, inaction, or decision by a public official or
20 public employee in the discharge of his or her official duties
21 which would materially affect his or her financial interest or
22 those of his or her family members or any business with which
23 the person is associated in a manner different from the manner
24 it affects the other members of the class to which he or she
25 belongs. A conflict of interest shall not include any of the
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 meaningfully participate in connection with his or her
11 official duties and for which attendance no reimbursement is
12 made by the state.

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

21 "(9) DAY. Calendar day.

22 "(10) DEPENDENT. Any person, regardless of his or
23 her legal residence or domicile, who receives 50 percent or
24 more of his or her support from the public official or public
25 employee or his or her spouse or who resided with the public
26 official or public employee for more than 180 days during the
27 reporting period.

1 "(11) ECONOMIC DEVELOPMENT FUNCTION. Any function
2 reasonably and directly related to the advancement of a
3 specific, good-faith economic development or trade promotion
4 project or objective.

5 "(12) EDUCATIONAL FUNCTION. A meeting, event, or
6 activity held within the State of Alabama, or if the function
7 is predominantly attended by participants from other states,
8 held within the continental United States, which is organized
9 around a formal program or agenda of educational or
10 informational speeches, debates, panel discussions, or other
11 presentations concerning matters within the scope of the
12 participants' official duties or other matters of public
13 policy, including social services and community development
14 policies, economic development or trade, ethics, government
15 services or programs, or government operations, and which,
16 taking into account the totality of the program or agenda,
17 could not reasonably be perceived as a subterfuge for a purely
18 social, recreational, or entertainment function.

19 "(13) FAMILY MEMBER OF THE PUBLIC EMPLOYEE. The
20 spouse or a dependent of the public employee.

21 "(14) FAMILY MEMBER OF THE PUBLIC OFFICIAL. The
22 spouse, a dependent, an adult child and his or her spouse, a
23 parent, a spouse's parents, a sibling and his or her spouse,
24 of the public official.

25 "(15) GOVERNMENTAL CORPORATIONS AND AUTHORITIES.
26 Public or private corporations and authorities, including but
27 not limited to, hospitals or other health care corporations,

1 established pursuant to state law by state, county or
2 municipal governments for the purpose of carrying out a
3 specific governmental function. Notwithstanding the foregoing,
4 all employees, including contract employees, of hospitals or
5 other health care corporations and authorities are exempt from
6 the provisions of this chapter.

7 "(16) HOUSEHOLD. The public official, public
8 employee, and his or her spouse and dependents.

9 "(17) LAW ENFORCEMENT OFFICER. A full-time employee
10 of a governmental unit responsible for the prevention or
11 investigation of crime who is authorized by law to carry
12 firearms, execute search warrants, and make arrests.

13 "(18) LEGISLATIVE BODY. The Senate of Alabama, the
14 House of Representatives of Alabama, a county commission, city
15 council, city commission, town council, or municipal council
16 or commission, and any committee or subcommittee thereof.

17 (19) LOBBY or LOBBYING. The practice of promoting,
18 opposing, or in any manner influencing or attempting to
19 influence the introduction, defeat, or enactment of
20 legislation before any legislative body; opposing or in any
21 manner influencing the executive approval, veto, or amendment
22 of legislation; or the practice of promoting, opposing, or in
23 any manner influencing or attempting to influence the
24 enactment, promulgation, modification, or deletion of
25 regulations before any regulatory body. The term does not
26 include providing public testimony before a legislative body
27 or regulatory body or any committee thereof.

1 "(20) LOBBYIST.

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

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

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

8 "3. A consultant to the state, county, or municipal
9 levels of government or their instrumentalities, in any manner
10 employed to influence legislation or regulation, regardless
11 whether the consultant is paid in whole or part from state,
12 county, municipal, or private funds.

13 "4. An employee, a paid consultant, or a member of
14 the staff of a lobbyist, whether or not he or she is paid, who
15 regularly communicates with members of a legislative body
16 regarding pending legislation and other matters while the
17 legislative body is in session.

18 "b. The term lobbyist does not include any of the
19 following:

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

22 "2. A person or attorney rendering professional
23 services in drafting bills or in advising clients and in
24 rendering opinions as to the construction and effect of
25 proposed or pending legislation, executive action, or rules or
26 regulations, where those professional services are not

1 otherwise connected with legislative, executive, or regulatory
2 action.

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

5 "4. Any citizen not lobbying for compensation who
6 contacts a member of a legislative body, or gives public
7 testimony on a particular issue or on particular legislation,
8 or for the purpose of influencing legislation and who is
9 merely exercising his or her constitutional right to
10 communicate with members of a legislative body.

11 "5. A person who appears before a legislative body,
12 a regulatory body, or an executive agency to either sell or
13 purchase goods or services.

14 "6. A person whose primary duties or
15 responsibilities do not include lobbying, but who may, from
16 time to time, organize social events for members of a
17 legislative body to meet and confer with members of
18 professional organizations and who may have only irregular
19 contacts with members of a legislative body when the body is
20 not in session or when the body is in recess.

21 "7. A person who is a member of a business,
22 professional, or membership organization by virtue of the
23 person's contribution to or payment of dues to the
24 organization even though the organization engages in lobbying
25 activities.

26 "8. A state governmental agency head or his or her
27 designee who provides or communicates, or both, information

1 relating to policy or positions, or both, affecting the
2 governmental agencies which he or she represents.

3 "(21) MINOR VIOLATION. Any violation of this chapter
4 in which the public official or public employee receives an
5 economic gain in an amount less than two hundred fifty dollars
6 (\$250) or the governmental entity has an economic loss of less
7 than two hundred fifty dollars (\$250).

8 "(22) PERSON. A business, individual, corporation,
9 partnership, union, association, firm, committee, club, or
10 other organization or group of persons.

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

14 "(24) PROBABLE CAUSE. A finding that the allegations
15 are more likely than not to have occurred.

16 "(25) PUBLIC EMPLOYEE. Any person employed at the
17 state, county, or municipal level of government or their
18 instrumentalities, including governmental corporations and
19 authorities, but excluding employees of hospitals or other
20 health care corporations including contract employees of those
21 hospitals or other health care corporations, who is paid in
22 whole or in part from state, county, or municipal funds. For
23 purposes of this chapter, a public employee does not include a
24 person employed on a part-time basis whose employment is
25 limited to providing professional services other than
26 lobbying, the compensation for which constitutes less than 50
27 percent of the part-time employee's income.

1 "(26) PUBLIC OFFICIAL. Any person elected to public
2 office, whether or not that person has taken office, by the
3 vote of the people at state, county, or municipal level of
4 government or their instrumentalities, including governmental
5 corporations, and any person appointed to a position at the
6 state, county, or municipal level of government or their
7 instrumentalities, including governmental corporations. For
8 purposes of this chapter, a public official includes the
9 chairs and vice-chairs or the equivalent offices of each state
10 political party as defined in Section 17-13-40.

11 "(27) REGULATORY BODY. A state agency which issues
12 regulations in accordance with the Alabama Administrative
13 Procedure Act or a state, county, or municipal department,
14 agency, board, or commission which controls, according to rule
15 or regulation, the activities, business licensure, or
16 functions of any group, person, or persons.

17 "(28) REPORTING PERIOD. The reporting official's or
18 employee's fiscal tax year as it applies to his or her United
19 States personal income tax return.

20 "(29) REPORTING YEAR. The reporting official's or
21 employee's fiscal tax year as it applies to his or her United
22 States personal income tax return.

23 (30) RESPONDENT. A person alleged to have violated a
24 provision of this chapter and against whom a complaint has
25 been filed with the commission.

26 "(31) STATEMENT OF ECONOMIC INTERESTS. A financial
27 disclosure form made available by the commission which shall

1 be completed and filed with the commission prior to April 30
2 of each year covering the preceding calendar year by certain
3 public officials and public employees.

4 "(32) SUPERVISOR. Any person having authority to
5 hire, transfer, suspend, lay off, recall, promote, discharge,
6 assign, or discipline other public employees, or any person
7 responsible to direct them, or to adjust their grievances, or
8 to recommend personnel action, if, in connection with the
9 foregoing, the exercise of the authority is not of a merely
10 routine or clerical nature but requires the use of independent
11 judgment.

12 "(33) THING OF VALUE.

13 "a. Any gift, benefit, favor, service, gratuity,
14 tickets or passes to an entertainment, social or sporting
15 event, unsecured loan, other than those loans and forbearances
16 made in the ordinary course of business, reward, promise of
17 future employment, or honoraria or other item of monetary
18 value. Any public employee who is not required to file a
19 statement of economic interests shall be exempt from the gift
20 exception.

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

24 "1. A contribution reported under Chapter 5 of Title
25 17 or a contribution to an inaugural or transition committee.

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

4 "3. Anything given by a friend of the recipient
5 under circumstances which make it clear that it is motivated
6 by a friendship and not given because of the recipient's
7 official position. Relevant factors include whether the
8 friendship preexisted the recipient's status as a public
9 employee, public official, or candidate and whether gifts have
10 been previously exchanged between them.

11 "4. Greeting cards, items, services with little
12 intrinsic value which are intended solely for presentation,
13 such as plaques, certificates, and trophies, promotional items
14 commonly distributed to the general public, and items or
15 services of de minimis value.

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

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

21 "7. Rewards and prizes given to competitors in
22 contests or events, including random drawings, which are open
23 to the public.

24 "8. Anything that is paid for by a governmental
25 entity or an entity created by a governmental entity to
26 support the governmental entity or secured by a governmental
27 entity under contract, except for tickets to a sporting event

1 offered by an educational institution to anyone other than
2 faculty, staff, or administration of the institution.

3 "9. Anything for which the recipient pays full
4 value.

5 "10. Compensation and other benefits earned from a
6 non-government employer, vendor, client, prospective employer,
7 or other business relationship in the ordinary course of
8 employment or non-governmental business activities under
9 circumstances which make it clear that the thing is provided
10 for reasons unrelated to the recipient's public service as a
11 public official or public employee.

12 "11. Any assistance provided or rendered in
13 connection with a safety or a health emergency.

14 "12. Payment of or reimbursement for actual and
15 necessary transportation and lodging expenses, as well as
16 waiver of registration fees and similar costs, to facilitate
17 the attendance of a public official or public employee, and
18 the spouse of the public official or public employee, at an
19 educational function or widely attended event of which the
20 person is a primary sponsor. This exclusion applies only if
21 the public official or public employee meaningfully
22 participates in the event as a speaker or a panel participant,
23 by presenting information related to his or her agency or
24 matters pending before his or her agency, or by performing a
25 ceremonial function appropriate to his or her official
26 position; or if the public official's or public employee's

1 attendance at the event is appropriate to the performance of
2 his or her official duties or representative function.

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

7 "14. Hospitality, meals, and other food and
8 beverages provided to a public official or public employee,
9 and the spouse of the public official or public employee, as
10 an integral part of an educational function, economic
11 development function, work session, or widely attended event,
12 such as a luncheon, banquet, or reception hosted by a civic
13 club, chamber of commerce, charitable or educational
14 organization, or trade or professional association.

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

18 "16. Meals and other food and beverages provided to
19 a public official or public employee in a setting other than
20 any of the above functions not to exceed for a lobbyist
21 twenty-five dollars (\$25) per meal with a limit of one hundred
22 fifty dollars (\$150) per year; and not to exceed for a
23 principal fifty dollars (\$50) per meal with a limit of two
24 hundred fifty dollars (\$250) per year. Notwithstanding the
25 foregoing, the lobbyist's limits herein shall not count
26 against the principal's limits and likewise, the principal's
27 limits shall not count against the lobbyist's limits.

1 "17. Anything either (i) provided by an association
2 or organization to which the state or, in the case of a local
3 government official or employee, the local government pays
4 annual dues as a membership requirement or (ii) provided by an
5 association or organization to a public official who is a
6 member of the association or organization and, as a result of
7 his or her service to the association or organization, is
8 deemed to be a public official. Further included in this
9 exception is payment of reasonable compensation by a
10 professional or local government association or corporation to
11 a public official who is also an elected officer or director
12 of the professional or local government association or
13 corporation for services actually provided to the association
14 or corporation in his or her capacity as an officer or
15 director.

16 "18. Any benefit received as a discount on
17 accommodations, when the discount is given to the public
18 official because the public official is a member of an
19 organization or association whose entire membership receives
20 the discount.

21 "c. Nothing in this chapter shall be deemed to
22 limit, prohibit, or otherwise require the disclosure of gifts
23 through inheritance received by a public employee or public
24 official.

25 "(34) VALUE. The fair market price of a like item if
26 purchased by a private citizen. In the case of tickets to

1 social and sporting events and associated passes, the value is
2 the face value printed on the ticket.

3 "(35) WIDELY ATTENDED EVENT. A gathering, dinner,
4 reception, or other event of mutual interest to a number of
5 parties at which it is reasonably expected that more than 12
6 individuals will attend and that individuals with a diversity
7 of views or interest will be present.

8 "§36-25-14.

9 "(a) A statement of economic interests shall be
10 completed and filed in accordance with this chapter with the
11 commission no later than April 30 of each year covering the
12 period of the preceding calendar year by each of the
13 following:

14 "(1) All elected public officials at the state,
15 county, or municipal level of government or their
16 instrumentalities.

17 "(2) Any person appointed as a public official and
18 any person employed as a public employee at the state, county,
19 or municipal level of government or their instrumentalities
20 who occupies a position whose base pay is ~~fifty thousand~~
21 ~~dollars (\$50,000)~~ seventy-five thousand dollars (\$75,000) or
22 more annually, as adjusted by the commission by January 31 of
23 each year to reflect changes in the U.S. Department of Labor's
24 Consumer Price Index, or a successor index.

25 "(3) All candidates, simultaneously with the date he
26 or she becomes a candidate as defined in Section 17-22A-2, or

1 the date the candidate files his or her qualifying papers,
2 whichever comes first.

3 "(4) Members of the Alabama Ethics Commission;
4 appointed members of boards and commissions having statewide
5 jurisdiction (but excluding members of solely advisory
6 boards).

7 "(5) All full-time nonmerit employees, other than
8 those employed in maintenance, clerical, secretarial, or other
9 similar positions.

10 "(6) Chief clerks and chief managers.

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

12 "(8) Chief administrators.

13 "(9) Chief county administrators.

14 "(10) Any public official or public employee whose
15 primary duty is to invest public funds.

16 "(11) Chief administrative officers of any political
17 subdivision.

18 "(12) Chief and assistant county building
19 inspectors.

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

22 "(14) Chief municipal clerks.

23 "(15) Chiefs of police.

24 "(16) Fire chiefs.

25 "(17) City and county school superintendents and
26 school board members.

1 "(18) City and county school principals or
2 administrators.

3 "(19) Purchasing or procurement agents having the
4 authority to make any purchase.

5 "(20) Directors and assistant directors of state
6 agencies.

7 "(21) Chief financial and accounting directors.

8 "(22) Chief grant coordinators.

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

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

17 "(b) Unless otherwise required by law, no public
18 employee occupying a position earning less than ~~fifty thousand~~
19 ~~dollars (\$50,000)~~ seventy-five thousand dollars (\$75,000) per
20 year shall be required to file a statement of economic
21 interests, as adjusted by the commission by January 31 of each
22 year to reflect changes in the U.S. Department of Labor's
23 Consumer Price Index, or a successor index. Notwithstanding
24 the provisions of subsection (a) or any other provision of
25 this chapter, no coach of an athletic team of any four-year
26 institution of higher education which receives state funds
27 shall be required to include any income, donations, gifts, or

1 benefits, other than salary, on the statement of economic
2 interests, if the income, donations, gifts, or benefits are a
3 condition of the employment contract. Such statement shall be
4 made on a form made available by the commission. The duty to
5 file the statement of economic interests shall rest with the
6 person covered by this chapter. Nothing in this chapter shall
7 be construed to exclude any public employee or public official
8 from this chapter regardless of whether they are required to
9 file a statement of economic interests. The statement shall
10 contain the following information on the person making the
11 filing:

12 "(1) Name, residential address, business; name,
13 address, and business of living spouse and dependents; name of
14 living adult children; name of parents and siblings; name of
15 living parents of spouse. Undercover law enforcement officers
16 may have their residential addresses and the names of family
17 members removed from public scrutiny by filing an affidavit
18 stating that publicizing this information would potentially
19 endanger their families.

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

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

1 business in the following categorical amounts: less than one
2 thousand dollars (\$1,000); at least one thousand dollars
3 (\$1,000) and less than ten thousand dollars (\$10,000); at
4 least ten thousand dollars (\$10,000) and less than fifty
5 thousand dollars (\$50,000); at least fifty thousand dollars
6 (\$50,000) and less than one hundred fifty thousand dollars
7 (\$150,000); at least one hundred fifty thousand dollars
8 (\$150,000) and less than two hundred fifty thousand dollars
9 (\$250,000); or at least two hundred fifty thousand dollars
10 (\$250,000) or more. The person reporting shall also name any
11 business or subsidiary thereof in which he or she or his or
12 her spouse or dependents, jointly or severally, own five
13 percent or more of the stock or in which he or she or his or
14 her spouse or dependents serves as an officer, director,
15 trustee, or consultant where the service provides income of at
16 least one thousand dollars (\$1,000) and less than five
17 thousand dollars (\$5,000); or at least five thousand dollars
18 (\$5,000) or more for the reporting period.

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

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

1 thousand dollars (\$250,000); or at least two hundred fifty
2 thousand dollars (\$250,000) or more.

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

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

1 any governmental agency in Alabama, specific details of the
2 lease or rent agreement shall be filed with the commission.

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

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

23 "(d) If the information required herein is not filed
24 as required, the commission shall notify the public official
25 or public employee concerned as to his or her failure to so
26 file and the public official or public employee shall have 10
27 days to file the report after receipt of the notification. The

1 commission may, in its discretion, assess a fine of ten
2 dollars (\$10) a day, not to exceed one thousand dollars
3 (\$1,000), for failure to file timely.

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

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

13 Section 2. This act shall become effective on the
14 first day of the third month following its passage and
15 approval by the Governor, or its otherwise becoming law.