

1 108490-1 : n : 02/25/2009 : Judiciary / mjt

2
3 HB582 HOUSE JUDICIARY COMMITTEE ENGROSSED SUBSTITUTE

4
5
6
7
8
9 A BILL
10 TO BE ENTITLED
11 AN ACT
12

13 To amend Sections 36-25-1, 36-25-3, 36-25-4,
14 36-25-5, 36-25-10, 36-25-14, 36-25-18, 36-25-19, and 36-25-20,
15 Code of Alabama 1975, relating to the Ethics Law; to revise
16 the categories for reporting on the statement of economic
17 interests, provide further for the appointment and
18 confirmation of members of the Ethics Commission, allow four
19 members of the commission to institute a complaint, broaden
20 the definition of lobbying to include the executive branch,
21 provide further for the definitions of family member of a
22 public employee, personal gain, sphere of influence, and
23 confidential information, provide for the filing of electronic
24 reports with the commission, and require mandatory ethics
25 training for public officials, public employees, and
26 lobbyists.

27 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. Sections 36-25-1, 36-25-3, 36-25-4,
2 36-25-5, 36-25-10, 36-25-14, 36-25-18, 36-25-19, and 36-25-20,
3 Code of Alabama 1975, are amended to read as follows:

4 "§36-25-1.

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

7 "(1) BUSINESS. Any corporation, partnership,
8 proprietorship, firm, enterprise, franchise, association,
9 organization, self-employed individual, or any other legal
10 entity.

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

16 "(3) CANDIDATE. This term as used in this chapter
17 shall have the same meaning ascribed to it in Section ~~17-22A-2~~
18 17-5-2.

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

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

22 "(6) COMPLAINANT. A person who alleges a violation
23 or violations of this chapter by filing a complaint against a
24 respondent.

25 "(7) CONFIDENTIAL INFORMATION. ~~A complaint filed~~
26 ~~pursuant to this chapter, together with any statement,~~
27 ~~conversations, knowledge of evidence, or information received~~

1 ~~from the complainant, witness, or other person related to such~~
2 ~~complaint~~ Information gained by a public official, public
3 employee, former public official, or former public employee in
4 the course of or by reason of his or her position or
5 employment in any way that could result in financial gain
6 other than his or her regular salary as a public official or
7 public employee for himself or herself, a family member of the
8 public official or family member of the public employee, or
9 for any other person or business.

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

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

24 "b. An occasional nonpecuniary award publicly
25 presented by an organization for performance of public
26 service.

1 "c. Payment of or reimbursement for actual and
2 necessary expenditures for travel and subsistence for the
3 personal attendance of a public official or public employee at
4 a convention or other meeting at which he or she is scheduled
5 to meaningfully participate in connection with his or her
6 official duties and for which attendance no reimbursement is
7 made by the state.

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

16 "(9) DAY. Calendar day.

17 "(10) DEPENDENT. Any person, regardless of his or
18 her legal residence or domicile, who receives 50 percent or
19 more of his or her support from the public official or public
20 employee or his or her spouse or who resided with the public
21 official or public employee for more than 180 days during the
22 reporting period.

23 "~~(11) FAMILY MEMBER OF THE PUBLIC EMPLOYEE. The~~
24 ~~spouse or a dependent of the public employee.~~

25 "~~(12)~~ (11) FAMILY MEMBER OF THE PUBLIC EMPLOYEE OR
26 PUBLIC OFFICIAL. The spouse, a dependent, an adult child and

1 his or her spouse, a parent, a spouse's parents, and a sibling
2 and his or her spouse, of the public official.

3 "~~(13)~~(12) GOVERNMENTAL CORPORATIONS AND AUTHORITIES.
4 Public or private corporations and authorities, including but
5 not limited to, hospitals or other health care corporations,
6 established pursuant to state law by state, county or
7 municipal governments for the purpose of carrying out a
8 specific governmental function. Notwithstanding the foregoing,
9 all employees, including contract employees, of hospitals or
10 other health care corporations and authorities are exempt from
11 the provisions of this chapter.

12 "~~(14)~~(13) HOUSEHOLD. The public official, public
13 employee, and his or her spouse and dependents.

14 "~~(15)~~(14) LAW ENFORCEMENT OFFICER. A full-time
15 employee of a governmental unit responsible for the prevention
16 or investigation of crime who is authorized by law to carry
17 firearms, execute search warrants, and make arrests.

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

23 "~~(17)~~(16) LOBBYING. The practice of promoting,
24 opposing, or in any manner influencing or attempting to
25 influence the introduction, defeat, or enactment of
26 legislation before any legislative body; opposing or in any
27 manner influencing the executive approval, veto, or amendment

1 of legislation; promoting or attempting to influence the
2 awarding of a grant or contract with any executive department
3 or agency; or the practice of promoting, opposing, or in any
4 manner influencing or attempting to influence the enactment,
5 promulgation, modification, or deletion of regulations before
6 any regulatory body; provided, however, that providing public
7 testimony before a legislative body or regulatory body or any
8 committee thereof shall not be deemed lobbying.

9 ~~"(18)~~ (17) LOBBYIST.

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

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

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

16 "3. A person who expends in excess of one hundred
17 dollars (\$100) for a thing of value, not including funds
18 expended for travel, subsistence expenses, and literature,
19 buttons, stickers, publications, or other acts of free speech,
20 during a calendar year to lobby.

21 "4. 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 "5. 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 "6. Any person who promotes, opposes, or in any
5 manner attempts to influence the awarding of a grant or
6 contract with any executive department or agency.

7 "b. The term lobbyist does not include any of the
8 following:

9 "1. A member of a legislative body on a matter which
10 involves that person's official duties.

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

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

20 "4. Any citizen not expending funds as set out above
21 in paragraph a.3. or not lobbying for compensation who
22 contacts a member of a legislative body, or gives public
23 testimony on a particular issue or on particular legislation,
24 or for the purpose of influencing legislation and who is
25 merely exercising his or her constitutional right to
26 communicate with members of a legislative body.

1 "5. A person who appears before a legislative body,
2 a regulatory body, or an executive agency to either sell or
3 purchase goods or services.

4 "6. A person whose primary duties or
5 responsibilities do not include lobbying, but who may, from
6 time to time, organize social events for members of a
7 legislative body to meet and confer with members of
8 professional organizations and who may have only irregular
9 contacts with members of a legislative body when the body is
10 not in session or when the body is in recess.

11 "~~(19)~~(18) MINOR VIOLATION. Any violation of this
12 chapter in which the public official or public employee
13 receives an economic gain in an amount less than two hundred
14 fifty dollars (\$250) or the governmental entity has an
15 economic loss of less than two hundred fifty dollars (\$250).

16 "~~(20)~~(19) PERSON. A business, individual,
17 corporation, partnership, union, association, firm, committee,
18 club, or other organization or group of persons.

19 "~~(21)~~(20) PRINCIPAL. A person or business which
20 employs, hires, or otherwise retains a lobbyist. Nothing in
21 this chapter shall be deemed to prohibit a principal from
22 simultaneously serving as his or her own lobbyist.

23 "~~(22)~~(21) PROBABLE CAUSE. A finding that the
24 allegations are more likely than not to have occurred.

25 "~~(23)~~(22) PUBLIC EMPLOYEE. Any person employed at
26 the state, county, or municipal level of government or their
27 instrumentalities, including governmental corporations and

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

10 ~~"(24)~~ (23) PUBLIC OFFICIAL. Any person elected to
11 public office, whether or not that person has taken office, by
12 the vote of the people at state, county, or municipal level of
13 government or their instrumentalities, including governmental
14 corporations, and any person appointed to a position at the
15 state, county, or municipal level of government or their
16 instrumentalities, including governmental corporations. For
17 purposes of this chapter, a public official includes the
18 chairs and vice-chairs or the equivalent offices of each state
19 political party as defined in Section ~~17-16-2~~ 17-13-40.

20 ~~"(25)~~ (24) REGULATORY BODY. A state agency which
21 issues regulations in accordance with the Alabama
22 Administrative Procedure Act or a state, county, or municipal
23 department, agency, board, or commission which controls,
24 according to rule or regulation, the activities, business
25 licensure, or functions of any group, person, or persons.

1 "~~(26)~~ (25) REPORTING PERIOD. The reporting official's
2 or employee's fiscal tax year as it applies to his or her
3 United States personal income tax return.

4 "~~(27)~~ (26) REPORTING YEAR. The reporting official's
5 or employee's fiscal tax year as it applies to his or her
6 United States personal income tax return.

7 "~~(28)~~ (27) RESPONDENT. A person alleged to have
8 violated a provision of this chapter and against whom a
9 complaint has been filed with the commission.

10 "(28) SPHERE OF INFLUENCE. The sphere of influence
11 of a public official or public employee includes those issues,
12 bodies, businesses, and projects that the public official or
13 public employee is, by virtue of his or her office, in a
14 position to affect, or over which he or she has authority.

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

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

1 "(31) THING OF VALUE.

2 "a. Any gift, benefit, favor, service, gratuity,
3 tickets or passes to an entertainment, social or sporting
4 event offered only to public officials, unsecured loan, other
5 than those loans made in the ordinary course of business,
6 reward, promise of future employment, or honoraria.

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

10 "1. Campaign contribution.

11 "2. ~~Seasonal~~ Tangible gifts of an insignificant
12 economic value of less than one hundred dollars (\$100) if the
13 aggregate value of such gifts from any single donor is less
14 than two hundred fifty dollars (\$250) during any one calendar
15 year.

16 "3. Hospitality extended to a public official,
17 public employee, and his or her respective household as a
18 social occasion in the form of food and beverages where the
19 provider is present, lodging in the continental United States
20 and Alaska incidental to the social occasion, and tickets or
21 admission to social or sporting events ~~if the.~~ Such
22 hospitality ~~does~~ shall not extend beyond three consecutive
23 days and ~~is~~ shall not be continuous in nature and the
24 aggregate value of such hospitality in excess of two hundred
25 fifty dollars (\$250) within a calendar day ~~is~~ shall be
26 reported to the commission by the provider provided that the
27 reporting requirement contained in this section shall not

1 apply where the expenditures are made to or on behalf of an
2 organization to which a federal income tax deduction is
3 permitted under subparagraph (A) of paragraph (1) of
4 subsection (b) of Section 170 of the Internal Revenue Code of
5 1986, as amended, or any charitable, education or eleemosynary
6 cause of Section 501 of Title 26 of the U.S. Code, and ~~where~~
7 the public official or public employee does not receive any
8 direct financial benefit. The reporting shall include the name
9 or names of the recipient or recipients, the value of the
10 entire expenditure, the date or dates of the expenditure, and
11 the type of expenditure.

12 "4. Reasonable transportation, food and beverages
13 where the provider is present, and lodging expenses in the
14 continental United States and Alaska which are provided in
15 conjunction with an educational or informational purpose,
16 together with any hospitality associated therewith; provided,
17 that such hospitality is less than 50 percent of the time
18 spent at such event, and provided further that if the
19 aggregate value of such transportation, lodging, food,
20 beverages, and any hospitality provided to such public
21 employee, public official, and his or her respective household
22 is in excess of two hundred fifty dollars (\$250) within a
23 calendar day the total amount expended shall be reported to
24 the commission by the provider. The reporting shall include
25 the name or names of the recipient or recipients, the value of
26 the entire expenditure, the date or dates of the expenditure,
27 and the type of expenditure.

1 "5. Payment of or reimbursement for actual and
2 necessary expenditures for travel ~~and subsistence,~~ food and
3 beverages, lodging, and local transportation of a public
4 official or public employee and his or her respective
5 household in connection with an economic development,
6 research, or trade mission, or for attendance at a mission or
7 meeting in which he or she is scheduled to meaningfully
8 participate, or regarding matters related to his or her
9 official duties, and for which attendance no reimbursement is
10 made by the state; provided, that any hospitality in the form
11 of entertainment, recreation, or sporting events shall
12 constitute less than 25% of the time spent in connection with
13 the event. If the aggregate value of any such hospitality,
14 entertainment, recreation, or sporting event extended to the
15 public employee, public official, and his or her respective
16 household is in excess of two hundred fifty dollars (\$250)
17 within a calendar day, the total amount expended for that day
18 shall be reported to the commission by the provider. The
19 reporting shall include the name or names of the recipient or
20 recipients, the value of such expenditures, the date or dates
21 of the expenditure, and the type of expenditure.

22 "6. Promotional items commonly distributed to the
23 general public and food or beverages of a nominal value.

24 "c. Nothing in this chapter shall be deemed to
25 limit, prohibit, or otherwise require the disclosure of a
26 personal gift made to a public official or public employee
27 from a spouse, intended spouse, dependent, adult child,

1 sibling, parent, grandparent, uncle, aunt, stepchild, spouse's
2 sibling, spouse's parent, ~~nephews, nieces or cousins~~ nephew,
3 niece, or cousin of the public official or public employee,
4 except as otherwise provided by law.

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

9 "(32) VALUE. The fair market price of a like item if
10 purchased by a private citizen.

11 "\$36-25-3.

12 "(a) There is hereby created a State Ethics
13 Commission composed of five members, each of whom shall be a
14 fair, equitable citizen of this state and of high moral
15 character and ability. The following persons shall not be
16 eligible to be appointed as members: (1) a public official;
17 (2) a candidate; (3) a registered lobbyist and his or her
18 principal; or (4) a former employee of the commission. For
19 purposes of this section, a public official shall not be
20 deemed to include a part-time municipal judge and a registered
21 lobbyist shall not be deemed to include a person whose
22 lobbying activities are limited to providing public testimony
23 to a legislative body or regulatory body or committee thereof.
24 No member of the commission shall be eligible for
25 reappointment to succeed himself or herself. The members of
26 the commission shall be appointed by the following officers:
27 the Governor, the Lieutenant Governor, or in the absence of a

1 Lieutenant Governor, the Presiding Officer of the Senate, and
2 the Speaker of the House of Representatives and shall assume
3 their duties upon confirmation by the Senate. The Senate must
4 confirm or reject a nominee to the commission within the first
5 15 legislative days of the first Regular Session held after
6 the appointment. If the Senate fails to act within that time,
7 the appointment shall be deemed accepted. If the appointment
8 is rejected, a new member shall be nominated by the respective
9 appointing authority. The members of the first commission
10 shall be appointed for terms of office expiring one, two,
11 three, four and five years, respectively, from September 1,
12 1975. Successors to the members of the first commission shall
13 serve for a term of five years beginning service on September
14 1 of the year appointed and serving until their successors are
15 appointed and confirmed, except as herein provided. If at any
16 time there should be a vacancy on the commission, a successor
17 member to serve for the unexpired term applicable to such
18 vacancy shall be appointed by the Governor. The commission
19 shall elect one member to serve as chair of the commission and
20 one member to serve as vice chair. The vice chair shall act as
21 chair in the absence or disability of the chair or in the
22 event of a vacancy in that office.

23 "Beginning with the first vacancy on the Ethics
24 Commission after October 1, 1995, if there is not a Black
25 member serving on the commission, that vacancy shall be filled
26 by a Black appointee. Any vacancy thereafter occurring on the

1 commission, shall also be filled by a Black appointee if there
2 is no Black member serving on the commission at that time.

3 "(b) A vacancy in the commission shall not impair
4 the right of the remaining members to exercise all the powers
5 of the commission, and three members thereof shall constitute
6 a quorum.

7 "(c) The commission shall at the close of each
8 fiscal year, or as soon thereafter as practicable, report to
9 the Legislature and the Governor concerning the actions it has
10 taken, the name, salary, and duties of the director, the names
11 and duties of all individuals in its employ, the money it has
12 disbursed, other relevant matters within its jurisdiction, and
13 such recommendations for legislation as the commission deems
14 appropriate.

15 "(d) Members of the commission shall, while serving
16 on the business of the commission, be entitled to receive
17 compensation at the rate of fifty dollars (\$50) per day, and
18 each member shall be paid his or her travel expenses incurred
19 in the performance of his or her duties as a member of the
20 commission as other state employees and officials are paid
21 when approved by the chair. If for any reason a member of the
22 commission wishes not to claim and accept the compensation or
23 travel expenses, the member shall inform the director, in
24 writing, of the refusal. The member may at any time during his
25 or her term begin accepting compensation or travel expenses;
26 however, the member's refusal for any covered period shall act
27 as an irrevocable waiver for that period.

1 "(e) All members, officers, agents, attorneys, and
2 employees of the commission shall be subject to this chapter.
3 The director, members of the commission, and all employees of
4 the commission shall not engage in direct partisan political
5 activity, including the making of campaign contributions, on
6 the state, county, and local levels. The prohibition shall in
7 no way act to limit or restrict such persons' ability to vote
8 in any election.

9 "(f) The commission shall appoint a full-time
10 director. The director shall serve at the pleasure of the
11 commission and shall appoint such other employees as needed.
12 All such employees, except the director, shall be employed
13 subject to the provisions of the state Merit System law, and
14 their compensation shall be prescribed pursuant to such law.
15 The employment of attorneys shall be subject to subsection
16 (h). The compensation of the director shall be fixed by the
17 commission, payable as the salaries of other state employees.
18 The director shall be responsible for the administrative
19 operations of the commission and shall administer this chapter
20 in accordance with the commission's policies. No regulation
21 shall be implemented by the director until adopted by the
22 commission in accordance with Sections 41-22-1 to 41-22-27,
23 inclusive, the Alabama Administrative Procedure Act.

24 "(g) The director may appoint part-time stenographic
25 reporters or certified court reporters, as needed, to take and
26 transcribe the testimony in any formal or informal hearing or
27 investigation before the commission or before any person

1 authorized by the commission. The reporters shall not be
2 full-time employees of the commission and shall not be subject
3 to the Merit System law and may not participate in the State
4 Retirement System.

5 "(h) The director may, with the approval of the
6 Attorney General, appoint a competent attorney as legal
7 counsel for the commission. The legal counsel shall be of good
8 moral and ethical character, licensed to practice law in this
9 state, and a member in good standing of the Alabama Bar
10 Association. The legal counsel shall be commissioned as an
11 assistant or deputy attorney general and shall, in addition to
12 the powers and duties herein conferred, have the authority and
13 duties of an assistant or deputy attorney general, except,
14 that his or her entire time shall be devoted to the
15 commission. The attorney shall act as an attorney for the
16 commission in actions or proceedings brought by or against the
17 commission pursuant to any provisions of law under the
18 commission's jurisdiction, or in which the commission joins or
19 intervenes as to a matter within the commission's
20 jurisdiction, or as a friend of the court or otherwise;
21 provided however, nothing in this chapter shall be deemed as a
22 direct grant of subpoena power to the commission.

23 "(i) The director shall designate in writing the
24 chief investigator, should there be one, and a maximum of six
25 full-time investigators who shall be and are hereby
26 constituted law enforcement officers of the State of Alabama
27 with full and unlimited police power and jurisdiction to

1 enforce the laws of this state pertaining to the operation and
2 administration of the commission and this chapter.

3 Investigators shall meet the requirements of the Alabama Peace
4 Officers' Standards and Training Act, Sections 36-21-40 to
5 36-21-51, inclusive, and shall in all ways and for all
6 purposes be considered law enforcement officers; provided
7 however such investigators shall only exercise their power of
8 arrest as granted under this chapter pursuant to an order
9 issued by a court of competent jurisdiction.

10 "§36-25-4.

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

12 "(1) Prescribe forms for statements required to be
13 filed by this chapter and make the forms available to persons
14 required to file such statements.

15 "(2) Prepare guidelines setting forth recommended
16 uniform methods of reporting for use by persons required to
17 file statements required by this chapter.

18 "(3) Accept and file any written information
19 voluntarily supplied that exceeds the requirements of this
20 chapter.

21 "(4) Develop, where practicable, a filing, coding,
22 and cross-indexing system consistent with the purposes of this
23 chapter.

24 "(5) Make reports and statements filed with the
25 commission available during regular business hours to public
26 inquiry subject to such regulations as the commission may
27 prescribe including, but not limited to, regulations requiring

1 identification by name, occupation, address, and telephone
2 number of each person examining information on file with the
3 commission.

4 "(6) Preserve reports and statements for a period
5 consistent with the statute of limitations as contained in
6 this chapter. The reports and statements, when no longer
7 required to be retained, shall be disposed of by shredding the
8 reports and statements and disposing of or recycling them, or
9 otherwise disposing of the reports and statements in any other
10 manner prescribed by law. Nothing in this section shall in any
11 manner limit the Department of Archives and History from
12 receiving and retaining any documents pursuant to existing
13 law.

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

1 "(8) Report suspected violations of law to the
2 appropriate law-enforcement authorities.

3 "(9) Issue and publish advisory opinions on the
4 requirements of this chapter, based on a real or hypothetical
5 set of circumstances. Such advisory opinions shall be adopted
6 by a majority vote of the members of the commission present
7 and shall be effective and deemed valid until expressly
8 overruled or altered by the commission or a court of competent
9 jurisdiction. The written advisory opinions of the commission
10 shall protect the person at whose request the opinion was
11 issued and any other person reasonably relying, in good faith,
12 on the advisory opinion in a materially like circumstance from
13 liability to the state, a county, or a municipal subdivision
14 of the state because of any action performed or action
15 refrained from in reliance of the advisory opinion. Nothing in
16 this section shall be deemed to protect any person relying on
17 the advisory opinion if the reliance is not in good faith, is
18 not reasonable, is not in a materially like circumstance. The
19 commission may impose reasonable charges for publication of
20 the advisory opinions and monies shall be collected,
21 deposited, dispensed, or retained as provided herein. On
22 October 1, 1995, all prior advisory opinions of the commission
23 in conflict with this chapter, shall be ineffective and
24 thereby deemed invalid and otherwise overruled unless there
25 has been any action performed or action refrained from in
26 reliance of a prior advisory opinion.

1 "(10) Initiate and continue, where practicable,
2 programs for the purpose of educating candidates, officials,
3 employees, and citizens of Alabama on matters of ethics in
4 government service.

5 "(11) In accordance with Sections 41-22-1 to
6 41-22-27, inclusive, the Alabama Administrative Procedure Act,
7 prescribe, publish, and enforce rules and regulations to carry
8 out this chapter.

9 "(b) A complaint filed pursuant to this chapter,
10 together with any statement, evidence, or information received
11 from the complainant, witnesses, or other persons shall be
12 protected by and subject to the same restrictions relating to
13 secrecy and nondisclosure of information, conversation,
14 knowledge, or evidence of Sections 12-16-214 to 12-16-216,
15 inclusive. Such restrictions shall apply to all investigatory
16 activities taken by the director, the commission or a member
17 thereof, staff, employees, or any person engaged by the
18 commission in response to a complaint filed with the
19 commission and to all proceedings relating thereto before the
20 commission.

21 "(c) The commission shall not take any investigatory
22 action on a telephonic or written complaint against a
23 respondent so long as the complainant remains anonymous.
24 Investigatory action on a complaint from an identifiable
25 source shall not be initiated until the true identity of the
26 source has been ascertained and written verification of such
27 ascertainment is in the commission's files. The complaint may

1 only be filed by a person who has or persons who have actual
2 knowledge of the allegations contained in the complaint. A
3 complainant may not file a complaint for another person or
4 persons in order to circumvent this subsection. Prior to
5 commencing any investigation, the commission shall: (1)
6 receive a written and signed complaint which sets forth in
7 detail the specific charges against a respondent, and the
8 factual allegations which support such charges and (2) the
9 director shall conduct a preliminary inquiry in order to make
10 an initial determination that reasonable cause exists to
11 conduct an investigation. If the director determines
12 reasonable cause does not exist, the charges shall be
13 dismissed, but such action must be reported to the commission.
14 The commission shall be entitled to authorize an investigation
15 upon a ~~unanimous~~ written consent of ~~all five (5)~~ four (4)
16 commission members, upon an express finding that probable
17 cause exists that a violation or violations of this chapter
18 have occurred. A complaint may be initiated by ~~the unanimous a~~
19 vote of four (4) members of the commission, provided, however,
20 that the commission shall not conduct the hearing, but rather
21 the hearing shall be conducted by three (3) active or retired
22 judges, who shall be appointed by the Chief Justice of the
23 Alabama Supreme Court, at least one of whom shall be Black.
24 The three (3) judge panel shall conduct the hearing in
25 accordance with the procedures contained in this chapter and
26 in accordance with the rules and regulations of the
27 commission. If the three (3) judge panel unanimously finds

1 that a person covered by this chapter has violated it, the
2 three (3) judge panel shall forward the case to the district
3 attorney for the jurisdiction in which the alleged acts
4 occurred or to the Attorney General. In all matters that come
5 before the commission concerning a complaint on an individual,
6 the laws of due process shall apply.

7 "(d) Not less than 45 days prior to any hearing
8 before the commission, the respondent shall be given notice
9 that a complaint has been filed against him or her and shall
10 be given a summary of the charges contained therein. Upon the
11 timely request of the respondent, a continuance of the hearing
12 for not less than 30 days shall be granted for good cause
13 shown. The respondent charged in the complaint shall have the
14 right to be represented by retained legal counsel. The
15 commission may not require the respondent to be a witness
16 against himself or herself.

17 "(e) The commission shall provide discovery to the
18 respondent pursuant to the Alabama Rules of Criminal Procedure
19 as promulgated by the Alabama Supreme Court.

20 "(f) (1) All fees, penalties, and fines collected by
21 the commission pursuant to this chapter shall be deposited
22 into the State General Fund.

23 "(2) All monies collected as reasonable payment of
24 costs for copying, reproductions, publications, and lists
25 shall be deemed a refund against disbursement and shall be
26 deposited into the appropriate fund account for the use of the
27 commission.

1 "(g) If the commission finds cause that a person
2 covered by this chapter has violated it, the case and the
3 commission's findings shall be forwarded to the district
4 attorney for the jurisdiction in which the alleged acts
5 occurred or to the Attorney General. The case, along with the
6 commission's findings, shall be referred for appropriate legal
7 action. Nothing in this section shall be deemed to limit the
8 commission's ability to take appropriate legal action when so
9 requested by the district attorney for the appropriate
10 jurisdiction or by the Attorney General.

11 "§36-25-5.

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

22 "(b) Unless prohibited by the Constitution of
23 Alabama of 1901, nothing herein shall be construed to prohibit
24 a public official from introducing bills, ordinances,
25 resolutions, or other legislative matters, serving on
26 committees, or making statements or taking action in the
27 exercise of his or her duties as a public official. A member

1 of a legislative body may not vote for any legislation in
2 which he or she knows or should have known that he or she has
3 a conflict of interest.

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

18 "(d) No person shall solicit a public official or
19 public employee to use or cause to be used equipment,
20 facilities, time, materials, human labor, or other public
21 property for such person's private benefit or business
22 benefit, which would materially affect his or her financial
23 interest, except as otherwise provided by law.

24 "(e) No public official or public employee shall,
25 other than in the ordinary course of business, solicit a thing
26 of value from a subordinate or person or business with whom he

1 or she directly inspects, regulates, or supervises in his or
2 her official capacity.

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

16 "§36-25-10.

17 "If a public official or public employee, or family
18 member of the public employee or family member of the public
19 official, or a business with which the person is associated,
20 represents a client or constituent for a fee before any
21 quasi-judicial board or commission, regulatory body, or
22 executive department or agency that is within the sphere of
23 influence of the public official or public employee, notice of
24 the representation shall be given within 10 days after the
25 first day of the appearance. Notice shall be filed with the
26 commission in the manner prescribed by it. No member of the
27 Legislature shall for a fee, reward, or other compensation

1 represent any person, firm, or corporation before the Public
2 Service Commission or the State Board of Adjustment.

3 "§36-25-14.

4 "(a) A statement of economic interests shall be
5 completed and filed in accordance with this chapter with the
6 commission no later than April 30 of each year covering the
7 period of the preceding calendar year by each of the
8 following:

9 "(1) All elected public officials at the state,
10 county, or municipal level of government or their
11 instrumentalities.

12 "(2) Any person appointed as a public official and
13 any person employed as a public employee at the state, county,
14 or municipal level of government or their instrumentalities
15 who occupies a position whose base pay is fifty thousand
16 dollars (\$50,000) or more annually.

17 "(3) All candidates, simultaneously with the date he
18 or she becomes a candidate as defined in Section ~~17-22A-2~~
19 17-5-2, or the date the candidate files his or her qualifying
20 papers, whichever comes first.

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

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

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

1 established by the Legislature, other than those employed in
2 maintenance, clerical, secretarial, or similar positions.

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

7 "(b) Statements of economic interests may be filed
8 electronically with the commission. The commission shall
9 establish on-line access for the filing of a statement of
10 economic interests.

11 "~~(b)~~ (c) Unless otherwise required by law, no public
12 employee occupying a position earning less than fifty thousand
13 dollars (\$50,000) per year shall be required to file a
14 statement of economic interests. Notwithstanding the
15 provisions of subsection (a) or any other provision of this
16 chapter, no coach of an athletic team of any four-year
17 institution of higher education which receives state funds
18 shall be required to include any income, donations, gifts, or
19 benefits, other than salary, on the statement of economic
20 interests, if the income, donations, gifts, or benefits are a
21 condition of the employment contract. Such statement shall be
22 made on a form made available by the commission. The duty to
23 file the statement of economic interests shall rest with the
24 person covered by this chapter. Nothing in this chapter shall
25 be construed to exclude any public employee or public official
26 from this chapter regardless of whether they are required to
27 file a statement of economic interests. The statement shall

1 contain the following information on the person making the
2 filing:

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

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

14 "(3) A listing of total combined household income of
15 the public official or public employee during the most recent
16 reporting year as to income from salaries, fees, dividends,
17 profits, commissions, and other compensation and listing the
18 names of each business and the income derived from such
19 business in the following categorical amounts: less than one
20 thousand dollars (\$1,000); at least one thousand dollars
21 (\$1,000) and less than ten thousand dollars (\$10,000); at
22 least ten thousand dollars (\$10,000) and less than fifty
23 thousand dollars (\$50,000); at least fifty thousand dollars
24 (\$50,000) and less than one hundred ~~fifty~~ thousand dollars
25 ~~(\$150,000)~~ \$100,000); at least one hundred ~~fifty~~ thousand
26 dollars ~~(\$150,000)~~ (\$100,000) and less than ~~two~~ one hundred
27 fifty thousand dollars ~~(\$250,000)~~ (\$150,000); at least one

1 hundred fifty thousand dollars (\$150,000) and less than two
2 hundred thousand dollars (\$200,000); or at least two hundred
3 fifty thousand dollars (~~\$250,000~~) (\$200,000) and less than two
4 hundred fifty thousand dollars (\$250,000); or at least two
5 hundred fifty thousand dollars (\$250,000) or more. The person
6 reporting shall also name any business or subsidiary thereof
7 in which he or she or his or her spouse or dependents, jointly
8 or severally, own five percent or more of the stock or in
9 which he or she or his or her spouse or dependents serves as
10 an officer, director, trustee, or consultant where the service
11 provides income of at least one thousand dollars (\$1,000) ~~and~~
12 ~~less than five thousand dollars (\$5,000); or at least five~~
13 ~~thousand dollars (\$5,000) or more for the reporting period.~~

14 "(4) If the filing public official or public
15 employee, or his or her spouse, has engaged in a business
16 during the last reporting year which provides legal,
17 accounting, medical or health related, real estate, banking,
18 insurance, educational, farming, engineering, architectural
19 management, or other professional services or consultations,
20 then the filing party shall report the number of clients of
21 such business in each of the following categories and the
22 income in categorical amounts received during the reporting
23 period from the combined number of clients in each category:
24 Electric utilities, gas utilities, telephone utilities, water
25 utilities, cable television companies, intrastate
26 transportation companies, pipeline companies, oil or gas
27 exploration companies, or both, oil and gas retail companies,

1 banks, savings and loan associations, loan or finance
2 companies, or both, manufacturing firms, mining companies,
3 life insurance companies, casualty insurance companies, other
4 insurance companies, retail companies, beer, wine or liquor
5 companies or distributors, or combination thereof, trade
6 associations, professional associations, governmental
7 associations, associations of public employees or public
8 officials, counties, and any other businesses or associations
9 that the commission may deem appropriate. Amounts received
10 from combined clients in each category shall be reported in
11 the following categorical amounts: Less than one thousand
12 dollars (\$1,000); more than one thousand dollars (\$1,000) and
13 less than ten thousand dollars (\$10,000); at least ten
14 thousand dollars (\$10,000) and less than twenty-five thousand
15 dollars (\$25,000); at least twenty-five thousand dollars
16 (\$25,000) and less than fifty thousand dollars (\$50,000); at
17 least fifty thousand dollars (\$50,000) and less than one
18 hundred thousand dollars (\$100,000); at least one hundred
19 thousand dollars (\$100,000) and less than one hundred fifty
20 thousand dollars (\$150,000); at least one hundred fifty
21 thousand dollars (\$150,000) and less than two hundred ~~fifty~~
22 thousand dollars ~~(\$250,000)~~ (\$200,000); or at least two
23 hundred ~~fifty~~ thousand dollars ~~(\$250,000)~~ (\$200,000) and less
24 than two hundred fifty dollars (\$250,000); or at least two
25 hundred fifty thousand dollars (\$250,000) or more.

26 " (5) If retainers are in existence or contracted for
27 in any of the above categories of clients, a listing of the

1 categories along with the anticipated income to be expected
2 annually from each category of clients shall be shown in the
3 following categorical amounts: less than one thousand dollars
4 (\$1,000); at least one thousand dollars (\$1,000) and less than
5 five thousand dollars (\$5,000); or at least five thousand
6 dollars (\$5,000) or more.

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

26 "(7) A listing of indebtedness to businesses
27 operating in Alabama showing types and number of each as

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

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

19 "(d) If the information required herein is not filed
20 as required, the commission shall notify the public official
21 or public employee concerned as to his or her failure to so
22 file and the public official or public employee shall have 10
23 days to file the report after receipt of the notification. The
24 commission may, in its discretion, assess a fine of ten
25 dollars (\$10) a day, not to exceed one thousand dollars
26 (\$1,000), for failure to file timely.

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

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

10 "§36-25-18.

11 "(a) Every lobbyist shall register by filing, either
12 electronically or otherwise, a form prescribed by the
13 commission no later than January 31 of each year or within 10
14 days after the first undertaking requiring such registration.
15 Each lobbyist, except public employees who are lobbyists,
16 shall pay an annual fee of one hundred dollars (\$100) on or
17 before January 31 of each year or within 10 days of the first
18 undertaking requiring such registration.

19 "(b) The registration shall be in writing, or filed
20 electronically, and shall contain the following information:

21 "(1) The registrant's full name and business
22 address.

23 "(2) The registrant's normal business and address.

24 "(3) The full name and address of the registrant's
25 principal or principals.

26 "(4) The listing of the categories of subject
27 matters on which the registrant is to communicate directly

1 with a member of the legislative body to influence legislation
2 or legislative action.

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

7 "(6) A statement signed by each principal that he or
8 she has read the registration, knows its contents and has
9 authorized the registrant to be a lobbyist in his or her
10 behalf as specified therein, and that no compensation will be
11 paid to the registrant contingent upon passage or defeat of
12 any legislative measure.

13 "(c) A registrant shall file a supplemental
14 registration indicating any substantial change or changes in
15 the information contained in the prior registration within 10
16 days after the date of the change.

17 "§36-25-19.

18 "(a) Every person registered as a lobbyist pursuant
19 to Section 36-25-18 and every principal employing any lobbyist
20 shall file with the commission a report provided by the
21 commission pertaining to the activities set out in that
22 section. The report may be filed electronically or otherwise.
23 The report shall be filed with the commission no later than
24 January 31, April 30, July 31, and October 31 for each
25 preceding calendar quarter, and contain, but not be limited
26 to, the following information:

1 "(1) The cost of those items excluded from the
2 definition of a thing of value which are described in Section
3 36-25-1(32)b. and which are expended within a 24-hour period
4 on a public official, public employee, and members of his or
5 her respective household in excess of two hundred fifty
6 dollars (\$250) with the name or names of the recipient or
7 recipients and the date of the expenditure.

8 "(2) The nature and date of any financial
9 transaction between the public official, candidate, or member
10 of the household of such public official or candidate and the
11 lobbyist or principal of a value in excess of five hundred
12 dollars (\$500) in the prior quarter, excluding those financial
13 transactions which are required to be reported by candidates
14 under the Fair Campaign Practices Act as provided in Chapter
15 ~~22A (commencing with Section 17-22A-1)~~ 5 (commencing with
16 Section 17-5-1) of Title 17.

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

20 "(4) A detailed statement showing any direct
21 business association or partnership with any public official,
22 candidate, or members of the household of such public official
23 or candidate; provided, however, that campaign expenditures
24 shall not be deemed a business association or partnership.

25 "(b) Any person not otherwise deemed a lobbyist
26 pursuant to this chapter who negotiates or attempts to
27 negotiate a contract, sells or attempts to sell goods or

1 services, engages or attempts to engage in a financial
2 transaction with a public official or public employee in their
3 official capacity and who within a calendar day expends in
4 excess of two hundred fifty dollars (\$250) on such public
5 employee, public official, and his or her respective household
6 shall file a detailed quarterly report of the expenditure with
7 the commission.

8 "(c) Any other provision of this chapter to the
9 contrary notwithstanding, no organization whose officer or
10 employee serves as a public official under this chapter shall
11 be required to report expenditures or reimbursement paid to
12 such officer or employee in the performance of the duties with
13 the organization.

14 "§36-25-20.

15 "(a) A person who ceases to engage in activities
16 requiring registration pursuant to Section 36-25-18 shall file
17 either electronically or otherwise, a ~~written~~, verified
18 statement with the commission acknowledging the termination of
19 activities. The notice shall be effective immediately.

20 "(b) A person who files a notice of termination
21 pursuant to this section shall file the reports required
22 pursuant to Sections 36-25-18 and 36-25-19 for any reporting
23 period during which he or she was registered pursuant to this
24 chapter."

25 Section 2. (a) At the beginning of each legislative
26 quadrennium, the State Ethics Commission shall provide for and
27 administer training programs on the State Ethics Law for

1 members of the Legislature, state constitutional officers,
2 cabinet officers, executive staff, and lobbyists.

3 (1) The training program for legislators shall be
4 held at least once at the beginning of each quadrennium for
5 members of the Legislature. An additional training program
6 shall be held if any changes are made to Chapter 25, Title 36,
7 Code of Alabama 1975, and shall be held within three months of
8 the effective date of such changes. The time and place of the
9 training programs shall be determined by the Executive
10 Director of the State Ethics Commission and the Legislative
11 Council. Each legislator must attend the training programs.
12 The State Ethics Commission shall also provide a mandatory
13 program for any legislator elected in a special election
14 within three months of the date that such legislator assumes
15 office.

16 (2) The training program for the state
17 constitutional officers, cabinet members, and executive staff,
18 as determined by the Governor, shall be held within the first
19 30 days after the Governor has been sworn into office. An
20 additional training program shall be held if any changes are
21 made to Chapter 25, Title 36, Code of Alabama 1975, and shall
22 be held within three months of the effective date of such
23 changes. The specific date of the training program shall be
24 established by the Executive Director of the State Ethics
25 Commission with the advice of the Governor and other
26 constitutional officers.

1 (3) The training program for lobbyists shall be held
2 four times annually as designated by the Executive Director of
3 the State Ethics Commission. Each lobbyist must attend a
4 training program within 90 days of registering as a lobbyist.
5 A lobbyist who fails to attend a training program shall not be
6 allowed to lobby the Legislature, Executive Branch, Judicial
7 Branch, public officials, or public employees. After attending
8 one training program, a lobbyist shall not be required to
9 attend an additional training program unless any changes are
10 made to Chapter 25, Title 36, Code of Alabama 1975. Such
11 additional mandatory training program shall be held within
12 three months of the effective date of such changes.

13 (b) The curriculum of each session and faculty for
14 the training program shall be determined by the Executive
15 Director of the State Ethics Commission. The curriculum shall
16 include, but not be limited to, a review of the current law, a
17 discussion of actual cases and advisory opinions on which the
18 State Ethics Commission has ruled, and a question and answer
19 period for attendees. The faculty for the training program may
20 include the staff of the State Ethics Commission, members of
21 the faculties of the various law schools in the state, and
22 other persons deemed appropriate by the Executive Director of
23 the State Ethics Commission and shall include experts in the
24 field of ethics law, persons affected by the ethics law, and
25 members of the press and media.

1 (c) Except as provided herein, attendance at any
2 session of the training program shall be mandatory, except in
3 the event the person is suffering a catastrophic illness.

4 (d) This act shall not preclude the penalizing,
5 prosecution, or conviction of any member of the Legislature,
6 any public official, or public employee prior to such person
7 attending a mandatory training program.

8 Section 3. This act shall become effective on the
9 first day of the third month following its passage and
10 approval by the Governor, or its otherwise becoming law.