

1 HB136
2 138674-4
3 By Representative McCutcheon
4 RFD: Ethics and Campaign Finance
5 First Read: 07-FEB-12
6 PFD: 02/02/2012

ACT NO. 2012-509



1
2 ENROLLED, An Act,

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

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

13 Section 1. Section 36-25-1, as amended by Act
14 2010-764 of the 2010 First Special Session and Section
15 36-25-14, Code of Alabama 1975, are amended to read as
16 follows:

17 "§36-25-1.

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

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

24 "(2) BUSINESS WITH WHICH THE PERSON IS ASSOCIATED.
25 Any business of which the person or a member of his or her

1 family is an officer, owner, partner, board of director
2 member, employee, or holder of more than five percent of the
3 fair market value of the business.

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

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

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

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

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

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

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

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

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

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

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

25 "(9) DAY. Calendar day.

1 "(10) DEPENDENT. Any person, regardless of his or
2 her legal residence or domicile, who receives 50 percent or
3 more of his or her support from the public official or public
4 employee or his or her spouse or who resided with the public
5 official or public employee for more than 180 days during the
6 reporting period.

7 "(11) ECONOMIC DEVELOPMENT FUNCTION. Any function
8 reasonably and directly related to the advancement of a
9 specific, good-faith economic development or trade promotion
10 project or objective.

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

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

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

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

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

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

22 "(18) LEGISLATIVE BODY. The Senate of Alabama, the
23 House of Representatives of Alabama, a county commission, city
24 council, city commission, town council, or municipal council
25 or commission, and any committee or subcommittee thereof.

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

12 "(20) LOBBYIST.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 "(26) PUBLIC OFFICIAL. Any person elected to public
 19 office, whether or not that person has taken office, by the
 20 vote of the people at state, county, or municipal level of
 21 government or their instrumentalities, including governmental
 22 corporations, and any person appointed to a position at the
 23 state, county, or municipal level of government or their
 24 instrumentalities, including governmental corporations. For
 25 purposes of this chapter, a public official includes the

1 chairs and vice-chairs or the equivalent offices of each state
2 political party as defined in Section 17-13-40.

3 "(27) REGULATORY BODY. A state agency which issues
4 regulations in accordance with the Alabama Administrative
5 Procedure Act or a state, county, or municipal department,
6 agency, board, or commission which controls, according to rule
7 or regulation, the activities, business licensure, or
8 functions of any group, person, or persons.

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

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

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

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

23 "(32) SUPERVISOR. Any person having authority to
24 hire, transfer, suspend, lay off, recall, promote, discharge,
25 assign, or discipline other public employees, or any person

1 responsible to direct them, or to adjust their grievances, or
2 to recommend personnel action, if, in connection with the
3 foregoing, the exercise of the authority is not of a merely
4 routine or clerical nature but requires the use of independent
5 judgment.

6 "(33) THING OF VALUE.

7 "a. Any gift, benefit, favor, service, gratuity,
8 tickets or passes to an entertainment, social or sporting
9 event, unsecured loan, other than those loans and forbearances
10 made in the ordinary course of business, reward, promise of
11 future employment, or honoraria or other item of monetary
12 value.

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

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

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

21 "3. Anything given by a friend of the recipient
22 under circumstances which make it clear that it is motivated
23 by a friendship and not given because of the recipient's
24 official position. Relevant factors include whether the
25 friendship preexisted the recipient's status as a public

1 employee, public official, or candidate and whether gifts have
 2 been previously exchanged between them.

3 "4. Greeting cards, items, services with little
 4 intrinsic value which are intended solely for presentation,
 5 such as plaques, certificates, and trophies, promotional items
 6 commonly distributed to the general public, and items or
 7 services of de minimis value.

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

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

13 "7. Rewards and prizes given to competitors in
 14 contests or events, including random drawings, which are open
 15 to the public.

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

22 "9. Anything for which the recipient pays full
 23 value.

24 "10. Compensation and other benefits earned from a
 25 non-government employer, vendor, client, prospective employer,

1 or other business relationship in the ordinary course of
2 employment or non-governmental business activities under
3 circumstances which make it clear that the thing is provided
4 for reasons unrelated to the recipient's public service as a
5 public official or public employee.

6 "11. Any assistance provided or rendered in
7 connection with a safety or a health emergency.

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

23 "13. Payment of or reimbursement for actual and
24 necessary transportation and lodging expenses to facilitate a

1 public official's or public employee's participation in an
2 economic development function.

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

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

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

24 "17. Anything either (i) provided by an association
25 or organization to which the state or, in the case of a local

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

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

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

23 "(34) VALUE. The fair market price of a like item if
24 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.

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

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

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

12 "(6) Chief clerks and chief managers.

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

14 "(8) Chief administrators.

15 "(9) Chief county administrators.

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

18 "(11) Chief administrative officers of any political
19 subdivision.

20 "(12) Chief and assistant county building
21 inspectors.

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

24 "(14) Chief municipal clerks.

25 "(15) Chiefs of police.

1 "(16) Fire chiefs.

2 "(17) City and county school superintendents and
3 school board members.

4 "(18) City and county school principals or
5 administrators.

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

8 "(20) Directors and assistant directors of state
9 agencies.

10 "(21) Chief financial and accounting directors.

11 "(22) Chief grant coordinators.

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

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

20 "(25) Every full-time public employee serving as a
21 supervisor.

22 "(b) Unless otherwise required by law, no public
23 employee occupying a position earning less than ~~fifty thousand~~
24 ~~dollars (\$50,000)~~ seventy-five thousand dollars (\$75,000) per
25 year shall be required to file a statement of economic

1 interests, as adjusted by the commission by January 31 of each
2 year to reflect changes in the U.S. Department of Labor's
3 Consumer Price Index, or a successor index. Notwithstanding
4 the provisions of subsection (a) or any other provision of
5 this chapter, no coach of an athletic team of any four-year
6 institution of higher education which receives state funds
7 shall be required to include any income, donations, gifts, or
8 benefits, other than salary, on the statement of economic
9 interests, if the income, donations, gifts, or benefits are a
10 condition of the employment contract. Such statement shall be
11 made on a form made available by the commission. The duty to
12 file the statement of economic interests shall rest with the
13 person covered by this chapter. Nothing in this chapter shall
14 be construed to exclude any public employee or public official
15 from this chapter regardless of whether they are required to
16 file a statement of economic interests. The statement shall
17 contain the following information on the person making the
18 filing:

19 "(1) Name, residential address, business; name,
20 address, and business of living spouse and dependents; name of
21 living adult children; name of parents and siblings; name of
22 living parents of spouse. Undercover law enforcement officers
23 may have their residential addresses and the names of family
24 members removed from public scrutiny by filing an affidavit

1 stating that publicizing this information would potentially
2 endanger their families.

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

6 "(3) A listing of total combined household income of
7 the public official or public employee during the most recent
8 reporting year as to income from salaries, fees, dividends,
9 profits, commissions, and other compensation and listing the
10 names of each business and the income derived from such
11 business in the following categorical amounts: less than one
12 thousand dollars (\$1,000); at least one thousand dollars
13 (\$1,000) and less than ten thousand dollars (\$10,000); at
14 least ten thousand dollars (\$10,000) and less than fifty
15 thousand dollars (\$50,000); at least fifty thousand dollars
16 (\$50,000) and less than one hundred fifty thousand dollars
17 (\$150,000); at least one hundred fifty thousand dollars
18 (\$150,000) and less than two hundred fifty thousand dollars
19 (\$250,000); or at least two hundred fifty thousand dollars
20 (\$250,000) or more. The person reporting shall also name any
21 business or subsidiary thereof in which he or she or his or
22 her spouse or dependents, jointly or severally, own five
23 percent or more of the stock or in which he or she or his or
24 her spouse or dependents serves as an officer, director,
25 trustee, or consultant where the service provides income of at

1 least one thousand dollars (\$1,000) and less than five
2 thousand dollars (\$5,000); or at least five thousand dollars
3 (\$5,000) or more for the reporting period.

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

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

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

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

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

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

1 dollars (\$50,000) and less than one hundred thousand dollars
2 (\$100,000); one hundred thousand dollars (\$100,000) and less
3 than one hundred fifty thousand dollars (\$150,000); one
4 hundred fifty thousand dollars (\$150,000) and less than two
5 hundred fifty thousand dollars (\$250,000); two hundred fifty
6 thousand dollars (\$250,000) or more. The commission may add
7 additional business to this listing. Indebtedness associated
8 with the homestead of the person filing is exempted from this
9 disclosure requirement.

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

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

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

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

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

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Speaker of the House of Representatives

Kay Ivey

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 22-MAR-12, as amended.

Greg Pappas
Clerk

Senate

16-MAY-12

Passed

APPROVED May 22, 2012
TIME 8:30 am
Robert Bentley
GOVERNOR

Alabama Secretary Of State

Act Num....: 2012-509
Bill Num...: H-136

Recv'd 05/22/12 03:59pmSLF

SPONSORS

DATE: 4-03 2012

RD 1 RFD C & E

This Bill was referred to the Standing Committee of the Senate on C & E and was acted upon by such Committee in session and is by order of the Committee returned therefrom with a favorable report w/amend(s) w/sub by a vote of 6 yeas 0 nays 0 abstain this 17 day of April 2012 [Signature] Chairperson

DATE: 4-03 2012

RF RD 2 CAL

DATE: 20__

RE-REFERRED RE-COMMITTED Committee

I hereby certify that the Resolution as required in Section C of Act No. 81-889 was adopted and is attached to the Bill, HB 130. YEAS 28 NAYS 5 PATRICK HARRIS, Secretary

I HEREBY CERTIFY THAT THE RESOLUTION AS REQUIRED IN SECTION C OF ACT NO. 81-889 WAS ADOPTED AND IS ATTACHED TO THE BILL, H.B. 136. YEAS 100 NAYS 0 GREG PAPPAS, Clerk

I HEREBY CERTIFY THAT THE NOTICE & PROOF IS ATTACHED TO THE BILL, H.B. AS REQUIRED IN THE GENERAL ACTS OF ALABAMA, 1975 ACT NO. 919. GREG PAPPAS, Clerk

CONFERENCE COMMITTEE House Conferees

FURTHER SENATE ACTION (OVER)

SENATE ACTION
(Continued)

DATE: 5 22 RD 3 at 1
 PASSED PASSED AS AMENDED

YEAS 24 NAYS 7

And was ordered returned forthwith to the H

PATRICK HA
 Sec

DATE:

INDEFINITELY POSTPONED YEAS NAY

DATE:

RECONSIDERED YEAS NAY

CONFERENCE COMMITTEE

Senate Conferees _____

This bill having been referred to the Commi
 Rules pursuant to Senate Rule 23 is reported
 Senate for assignment to the Committee on:

This _____ day of _____, 20

_____, Chair

Date:

Referred

Committee: _____