

1 HB168
2 126789-1
3 By Representative Black
4 RFD: Ethics and Campaign Finance
5 First Read: 08-MAR-11

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8 SYNOPSIS: Under existing law, public officials and
9 public employees receiving compensation in the
10 amount of \$50,000 per year must file a statement of
11 economic interests with the State Ethics
12 Commission.

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

18
19 A BILL
20 TO BE ENTITLED
21 AN ACT
22

23 To amend Section 36-25-14, Code of Alabama 1975,
24 relating to the filing of statements of economic interests
25 with the State Ethics Commission, to increase the threshold
26 for filing a statement of economic interests and allow the
27 commission to adjust the amount pursuant to the cost-of-living

1 index and exempt employees who do not have the authority to
2 expend public funds.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. Section 36-25-14, Code of Alabama 1975,
5 is amended to read as follows:

6 "§36-25-14.

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

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

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

23 "(3) All candidates, simultaneously with the date he
24 or she becomes a candidate as defined in Section ~~17-22A-2~~
25 17-5-2, or the date the candidate files his or her qualifying
26 papers, whichever comes first.

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

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

8 "(6) Chief clerks and chief managers.

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

10 "(8) Chief administrators.

11 "(9) Chief county administrators.

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

14 "(11) Chief administrative officers of any political
15 subdivision.

16 "(12) Chief and assistant county building
17 inspectors.

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

20 "(14) Chief municipal clerks.

21 "(15) Chiefs of police.

22 "(16) Fire chiefs.

23 "(17) City and county school superintendents and
24 school board members.

25 "(18) City and county school principals or
26 administrators.

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

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

5 "(21) Chief financial and accounting directors.

6 "(22) Chief grant coordinators.

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

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

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

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

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

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

21 "(3) A listing of total combined household income of
22 the public official or public employee during the most recent
23 reporting year as to income from salaries, fees, dividends,
24 profits, commissions, and other compensation and listing the
25 names of each business and the income derived from such
26 business in the following categorical amounts: less than one
27 thousand dollars (\$1,000); at least one thousand dollars

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

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

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

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

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

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

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

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

1 dollars (\$10) a day, not to exceed one thousand dollars
2 (\$1,000), for failure to file timely.

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

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

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