

1 HB334
2 183715-5
3 By Representatives Butler, Harbison, Farley, Blackshear,
4 Nordgren and Standridge
5 RFD: Ethics and Campaign Finance
6 First Read: 28-FEB-17

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

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

12 "(3) All candidates, provided the statement is filed
13 on the date the candidate files his or her qualifying papers
14 or, in the case of an independent candidate, on the date the
15 candidate complies with the requirements of Section 17-9-3.

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

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

23 "(6) Chief clerks and chief managers.

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

25 "(8) Chief administrators.

26 "(9) Chief county administrators.

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

3 "(11) Chief administrative officers of any political
4 subdivision.

5 "(12) Chief and assistant county building
6 inspectors.

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

9 "(14) Chief municipal clerks.

10 "(15) Chiefs of police.

11 "(16) Fire chiefs.

12 "(17) City and county school superintendents and
13 school board members.

14 "(18) City and county school principals or
15 administrators.

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

18 "(20) Directors and assistant directors of state
19 agencies.

20 "(21) Chief financial and accounting directors.

21 "(22) Chief grant coordinators.

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

26 "(24) Each employee of the Judicial Branch of
27 government, including active supernumerary district attorneys

1 and judges, other than those employed in maintenance,
2 clerical, secretarial, or other similar positions.

3 "(25) Every full-time public employee serving as a
4 supervisor.

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

26 "(1) Name, residential address, business; name,
27 address, and business of living spouse and dependents; name of

1 living adult children; name of parents and siblings; and name
2 of living parents of spouse;~~;. Undercover law enforcement~~
3 ~~officers may have their residential addresses and the names of~~
4 ~~family members removed from public scrutiny by filing an~~
5 ~~affidavit stating that publicizing this information would~~
6 ~~potentially endanger their families~~ provided, however, all
7 identifying information shall be exempt from public disclosure
8 in accordance with Section 41-13-7; and provided further that
9 the commission shall redact from its website and from public
10 disclosure the names and addresses of family members listed on
11 statements filed for calendar years before 2017 if so
12 requested by any public official or employee as defined in
13 Section 41-13-7.

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

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

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

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

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

23 "(5) If retainers are in existence or contracted for
24 in any of the above categories of clients, a listing of the
25 categories along with the anticipated income to be expected
26 annually from each category of clients shall be shown in the
27 following categorical amounts: Less than one thousand dollars

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

4 "(6) If real estate is held for investment or
5 revenue production by a public official, his or her spouse or
6 dependents, then a listing thereof in the following fair
7 market value categorical amounts: Under fifty thousand dollars
8 (\$50,000); at least fifty thousand dollars (\$50,000) and less
9 than one hundred thousand dollars (\$100,000); at least one
10 hundred thousand dollars (\$100,000) and less than one hundred
11 fifty thousand dollars (\$150,000); at least one hundred fifty
12 thousand dollars (\$150,000) and less than two hundred fifty
13 thousand dollars (\$250,000); at least two hundred fifty
14 thousand dollars (\$250,000) or more. A listing of annual gross
15 rent and lease income on real estate shall be made in the
16 following categorical amounts: Less than ten thousand dollars
17 (\$10,000); at least ten thousand dollars (\$10,000) and less
18 than fifty thousand dollars (\$50,000); fifty thousand dollars
19 (\$50,000) or more. If a public official or a business in which
20 the person is associated received rent or lease income from
21 any governmental agency in Alabama, specific details of the
22 lease or rent agreement shall be filed with the commission.

23 "(7) A listing of indebtedness to businesses
24 operating in Alabama showing types and number of each as
25 follows: Banks, savings and loan associations, insurance
26 companies, mortgage firms, stockbrokers and brokerages or bond
27 firms; and the indebtedness to combined organizations in the

1 following categorical amounts: Less than twenty-five thousand
2 dollars (\$25,000); twenty-five thousand dollars (\$25,000) and
3 less than fifty thousand dollars (\$50,000); fifty thousand
4 dollars (\$50,000) and less than one hundred thousand dollars
5 (\$100,000); one hundred thousand dollars (\$100,000) and less
6 than one hundred fifty thousand dollars (\$150,000); one
7 hundred fifty thousand dollars (\$150,000) and less than two
8 hundred fifty thousand dollars (\$250,000); two hundred fifty
9 thousand dollars (\$250,000) or more. The commission may add
10 additional business to this listing. Indebtedness associated
11 with the homestead of the person filing is exempted from this
12 disclosure requirement.

13 "(c) Filing required by this section shall reflect
14 information and facts in existence at the end of the reporting
15 year.

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

24 "(e) A person who intentionally violates any
25 financial disclosure filing requirement of this chapter shall
26 be subject to administrative fines imposed by the commission,

1 or shall, upon conviction, be guilty of a Class A misdemeanor,
2 or both.

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

7 "§41-13-7.

8 "(a) As used in this section, the following terms
9 shall have the following meanings:

10 "(1) EMPLOYEE. Any person who is regularly employed
11 by the state and who is subject to the provisions of the state
12 Merit System or any person who is regularly employed by a
13 criminal justice agency or entity or by a law enforcement
14 agency within the state or any honorably retired employee
15 thereof, to include, but not be limited to, the following: A
16 judge of any position, including a judge of a municipal court;
17 a district attorney; a deputy district attorney; an assistant
18 district attorney; an investigator employed by a district
19 attorney; an attorney, investigator, or special agent of the
20 Office of the Attorney General; a sheriff; a deputy sheriff; a
21 jailor; or a law enforcement officer of a county,
22 municipality, the state, or special district, provided the law
23 enforcement officer is certified by the Alabama Peace
24 Officers' Standards and Training Commission and is not pending
25 decertification.

26 "(2) IDENTIFYING INFORMATION. Any information, not
27 including a person's name, which used either alone or in

1 conjunction with other information specifically identifies a
2 person or a person's property, and includes, but is not
3 limited to, any of the following information related to a
4 person:

5 "a. Date of birth.

6 "b. Social Security number.

7 "c. Driver's license number.

8 "d. Financial services account numbers, including
9 checking and savings accounts.

10 "e. Credit or debit card numbers.

11 "f. Personal identification numbers (PIN).

12 "g. Electronic identification codes.

13 "h. Automated or electronic signatures.

14 "i. Biometric data.

15 "j. Fingerprints.

16 "k. Passwords.

17 "l. Parents' legal surname prior to marriage.

18 "m. Name or names of any ~~dependent~~ living child, or
19 children spouse, parent, sibling, or spouse's parent.

20 "n. Home address or phone number of the employee or
21 the employee's family members described in paragraph m.

22 "o. Any other numbers or information that can be
23 used to access a person's financial resources, obtain
24 identification, act as identification, or obtain goods or
25 services.

26 "(b) Notwithstanding any other law to the contrary,
27 a state department, licensing or regulatory board, agency, or

1 commission is prohibited from placing or otherwise revealing
2 the identifying information of an employee including, but not
3 limited to, full- or part-time employees thereof, on any
4 document that is available for public inspection including,
5 but not limited to, state personnel evaluation forms and any
6 other forms related thereto unless otherwise required by law,
7 without the express consent of the person with the identifying
8 information, or the consent of that person's parent,
9 custodian, legal guardian, or legal representative. The
10 foregoing prohibition shall not apply to a bona fide news
11 organization or when a federal or state agency makes a request
12 for or releases identifying information for a legitimate
13 government purpose, or pursuant to a federal or state statute,
14 regulation, or federally funded program or pursuant to an
15 administrative or judicial subpoena or order. Nothing in this
16 section is intended to create or establish a new cause of
17 action for damages in any court. Nothing in this section shall
18 be construed as a waiver of sovereign or qualified immunity.
19 This section shall not be applicable to a document originating
20 with any court or taxing authority, any document that when
21 filed by law constitutes a consensual or nonconsensual lien or
22 security lien or security interest, or any record of judgment,
23 conviction, eviction, or bankruptcy. If express consent to
24 reveal identifying information has not been obtained, a state
25 department or agency shall redact, remove, cover, or otherwise
26 excise the identifying information of any person from any

1 document that is available for public inspection so that the
2 remaining portion of the document may be revealed."

3 Section 2. This act shall become effective
4 immediately following its passage and approval by the
5 Governor, or its otherwise becoming law.

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House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on Ethics and Cam-
paign Finance..... 28-FEB-17

Read for the second time and placed
on the calendar with 1 substitute
and..... 15-MAR-17

Read for the third time and passed
as amended..... 11-APR-17

Yeas 95, Nays 2, Abstains 1

Jeff Woodard
Clerk