

ACT No. 2010 - 762

1 HB11
2 124642-5
3 By Representative DeMarco
4 RFD: Ethics
5 First Read: 08-DEC-10



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ENROLLED, An Act,

To add Section 36-25-1.5 to the Code of Alabama 1975, relating to the Ethics Law; to broaden the definition of lobbying to include activity with the executive, legislative, or judicial branch, require the Ethics Commission to allow electronic filing of records and maintain an electronic database searchable by the public and require mandatory ethics training for public officials, public employees, and lobbyists.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 36-25-1.5 is added to the Code of Alabama 1975, to read as follows:

§36-25-1.5.

Lobbying includes promoting or attempting to influence the awarding of a grant or contract with any department or agency of the executive, legislative, or judicial branch of state government.

No member of the Legislature, for a fee, reward, or other compensation, in addition to that received in his or her official capacity, shall represent any person, firm, corporation, or other business entity before an executive department or agency.

Section 2. (a) At the beginning of each legislative quadrennium, the State Ethics Commission shall provide for and

1 administer training programs on the State Ethics Law for
2 members of the Legislature, state constitutional officers,
3 cabinet officers, executive staff, municipal mayors, council
4 members and commissioners, county commissioners, and
5 lobbyists.

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

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

1 changes. The specific date of the training program shall be
2 established by the Executive Director of the State Ethics
3 Commission with the advice of the Governor and other
4 constitutional officers.

5 (3) The training program for lobbyists shall be held
6 four times annually as designated by the Executive Director of
7 the State Ethics Commission, the first of which shall be held
8 within the first 30 days of the year. Each lobbyist must
9 attend a training program within 90 days of registering as a
10 lobbyist. A lobbyist who fails to attend a training program
11 shall not be allowed to lobby the Legislature, Executive
12 Branch, Judicial Branch, public officials, or public
13 employees. After attending one training program, a lobbyist
14 shall not be required to attend an additional training program
15 unless any changes are made to Chapter 25, Title 36, Code of
16 Alabama 1975. Such additional mandatory training program shall
17 be held within three months of the effective date of such
18 changes.

19 (4) All municipal mayors, council members and
20 commissioners, and county commissioners or member of any local
21 board of education in office as of the effective date of this
22 act shall obtain training within 120 days of such date.
23 Thereafter, all municipal mayors, council members and
24 commissioners, and county commissioners shall obtain training
25 within 120 days of being sworn into office. Training shall be

1 available online and may be conducted either online or in
2 person. Evidence of completion of the training shall be
3 provided to the commission via an electronic reporting system
4 provided on the official website. The scheduling of training
5 opportunities for municipal mayors, council members and
6 commissioners, and county commissioners shall be established
7 by the Executive Director of the State Ethics Commission with
8 the advice and assistance of the Alabama League of
9 Municipalities and the Association of County Commissions of
10 Alabama. Any provision of this section to the contrary
11 notwithstanding, the training for county commissioners
12 required by this subsection shall be satisfied by the
13 successful completion of the 10-hour course on ethical
14 requirements of public officials provided by the Alabama Local
15 Government Training Institute established ~~under Section~~
16 ~~11-3-40~~ pursuant to Article 2, Chapter 3, Title 11, Code of
17 Alabama 1975. The Alabama Local Government Training Institute
18 shall quarterly provide written notice to the State Ethics
19 Commission the names of those county commissioners completing
20 the institute's program.

21 (b) The curriculum of each session and faculty for
22 the training program shall be determined by the Executive
23 Director of the State Ethics Commission. The curriculum shall
24 include, but not be limited to, a review of the current law, a
25 discussion of actual cases and advisory opinions on which the

1 State Ethics Commission has ruled, and a question and answer
2 period for attendees. The faculty for the training program may
3 include the staff of the State Ethics Commission, members of
4 the faculties of the various law schools in the state, and
5 other persons deemed appropriate by the Executive Director of
6 the State Ethics Commission and shall include experts in the
7 field of ethics law, persons affected by the ethics law, and
8 members of the press and media.

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

12 (d) This act shall not preclude the penalizing,
13 prosecution, or conviction of any member of the Legislature,
14 any public official, or public employee prior to such person
15 attending a mandatory training program.

16 (e) All public employees required to file the
17 Statement of Economic ~~Interest~~ Interests required by Section
18 36-25-14, Code of Alabama 1975, no later than 120 days after
19 the effective date of this act, shall participate in an online
20 educational review of the Alabama Ethics Law provided on the
21 official website of the commission. Employees hired after
22 January 1, 2011, shall have 90 days to comply with this
23 subsection. Evidence of completion of the educational review
24 shall be provided to the commission via an electronic
25 reporting system provided on the official website.

1 Section 3. The commission, by April 1, 2012, shall
2 implement and maintain each of the following:

3 (1) A system for electronic filing of all
4 statements, reports, registrations, and notices required by
5 this chapter.

6 (2) An electronic database accessible to the public
7 through an Internet website which provides at least the
8 following capabilities:

9 a. Search and retrieval of all statements, reports,
10 and other filings required by this chapter, excluding
11 complaints made confidential by Section 36-25-4(b) of the Code
12 of Alabama 1975, by the name of the public official or public
13 employee to which they pertain.

14 b. Generation of an aggregate list of all things of
15 value provided to each public official or public employee and
16 family member of a public official or public employee as
17 reported pursuant to Section 36-25-19, searchable and
18 retrievable by the name of the public official or public
19 employee.

20 Section 4. This act takes effect January 1, 2011.

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Speaker of the House of Representatives

Jim Folsom

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 10-DEC-10, as amended.

Greg Pappas
Clerk

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|--------|------------------|-------------------------------|
| Senate | <u>14-DEC-10</u> | Amended and Passed |
| House | <u>15-DEC-10</u> | Concurred in Senate Amendment |

APPROVED *December 20, 2010*

TIME *11:05 am*

[Signature]
GOVERNOR

Alabama Secretary Of State

Act Num....: 2010-762
Bill Num....: H-11