

1 SJR11
2 192139-10
3 By Senators Orr, Reed and Marsh
4 RFD: Rules
5 First Read: 09-JAN-18



1 SJR11

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4 ENROLLED, SJR11,

5 CREATING THE CODE OF ETHICS REFORM AND CLARIFICATION
6 COMMISSION.
7

8 WHEREAS, in a representative democracy, the public
9 has a right to: A government in which the public officials are
10 independent and impartial; be confident in the integrity of
11 the government; and be secure in the knowledge that the best
12 qualified individuals are not discouraged from public service;
13 and

14 WHEREAS, the Alabama Code of Ethics was originally
15 enacted more than 40 years ago and has been amended at least
16 25 times since then; and

17 WHEREAS, the multiple piecemeal amendments over the
18 last 40-plus years and the evolving interpretation of the Code
19 of Ethics have created an environment where reasonable
20 individuals can sometimes disagree on what is permitted and
21 what is not with the result that qualified individuals are
22 discouraged from seeking public office; and

23 WHEREAS, the Code of Ethics applies to more than
24 300,000 individuals and their families, including individuals
25 campaigning for or holding elected offices ranging from

1 Governor to members of town councils; individuals holding
2 appointive offices ranging from the heads of state departments
3 to members of local planning boards, and individuals employed
4 by public agencies, such as teachers, firefighters, law
5 enforcement officers, school bus drivers, gardeners,
6 maintenance workers, social workers, nurses, office workers,
7 and the like; and

8 WHEREAS, everyone should be able to agree that the
9 public is best served by an unambiguously articulated policy
10 that clearly distinguishes between the private interests of
11 public officers and public employees and the public duties of
12 those officers and employees; now therefore,

13 BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH
14 HOUSES THEREOF CONCURRING, That there is created the Code of
15 Ethics Clarification and Reform Commission.

16 (a) The commission shall be comprised of the
17 following members:

18 (1) Three members of the Senate, one of whom may not
19 be a member of the majority party, appointed by the President
20 Pro Tempore of the Senate.

21 (2) Three members of the House of Representatives,
22 one of whom may not be a member of the majority party,
23 appointed by the Speaker of the House of Representatives.

24 (3) The Legal Advisor to the Governor.

1 (4) The Attorney General or Chief Deputy Attorney
2 General, who shall serve as co-chair.

3 (5) The Executive Director of the Ethics Commission,
4 who shall serve as co-chair.

5 (6) The Solicitor General of Alabama.

6 (7) The Chief Examiner of the Department of
7 Examiners of Public Accounts.

8 (8) A district attorney appointed by the Alabama
9 District Attorneys Association.

10 (9) A circuit judge appointed by the Alabama
11 Association of Circuit Judges.

12 (10) The Supernumerary District Attorney for the
13 15th Judicial Circuit of Alabama.

14 (11) Two attorneys licensed in Alabama appointed by
15 the Alabama State Bar.

16 (12) Two attorneys licensed in Alabama appointed by
17 the Director of the Legislative Services Agency.

18 (13) An individual appointed by the Association of
19 County Commissions of Alabama.

20 (14) An individual appointed by the Alabama League
21 of Municipalities.

22 (15) Two individuals appointed by the Alabama
23 Council of Association Executives, one of whom shall be a
24 registered lobbyist under Section 36-25-18, Code of Alabama
25 1975, who represents more than one principal before the

1 legislative and executive branches of government and devotes
2 more than 50 percent of his or her time to activity regulated
3 by the Ethics Commission.

4 (16) An individual appointed by the Alabama Press
5 Association.

6 (b) The appointing powers shall coordinate their
7 appointments to assure the commission membership is inclusive
8 and reflects the racial, gender, geographic, urban, rural, and
9 economic diversity of the state.

10 (c) The commission shall meet as soon as practical
11 at a time and place set by the Senate President Pro Tempore.

12 (d) The commission shall be an advisory commission
13 charged with studying and making recommendations to reform and
14 clarify the Code of Ethics and shall report its findings and
15 recommendations to the Legislature by the first legislative
16 day of the 2019 Regular Session of the Legislature, at which
17 time it shall be dissolved.

18 (e) Upon the request of the chair, the Secretary of
19 the Senate and the Clerk of the House of Representatives shall
20 provide necessary clerical assistance for the work of the
21 commission.

22 (f) The Alabama Law Institute shall provide
23 necessary professional services to the commission.

24 (g) Each member of the commission may be reimbursed
25 for expenses related to attending meetings by his or her

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1 respective appointing authority consistent with the policies
2 of the appointing authority.

3 (h) Notice of the meetings of the commission shall
4 be provided in a manner consistent with the rules of the
5 Legislature pertaining to interim committees.

Del Mar

President and Presiding Officer of the Senate

Mac McClatchey

Speaker of the House of Representatives

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Senate 01-MAR-18

I hereby certify that the within Act originated in and adopted
the Senate.

Patrick Harris,
Secretary.

House of Representatives
Amended and adopted 22-MAR-18

Senate concurred in House amendment 22-MAR-18

APPROVED

3-28-18

By: Senator Orr

TIME

5:45 pm

Kay Ivey
GOVERNOR

Alabama Secretary Of State

Act Num.....: 2018-431
Bill Num....: SJR-11

Recv'd 03/29/18 10:29am

HOUSE OF REPRESENTATIVES

B. 1 - Rfd.

Date

3-1-18

Rules

JEFF WOODARD, Clerk

AS SURDEN

HOUSE OF REPRESENTATIVES

DATE

3-22-18

ADOPTED

Yeas

✓✓

Nays

Jeff Woodard, Clerk