

Final Report on 1st Special Session of 2010

Governor Bob Riley called the Alabama Legislature into Special Session on December 8 to address a 7-bill package to reform state ethics laws. All seven bills received final passage before the legislature adjourned sine die early Thursday morning, December 16. The new laws make a number of significant changes to the ethics law which applies to all state, county, and municipal public officials and employees. A thorough analysis of the new laws will be provided by the League in the near future. Briefly, the bills that were enacted are as follows:

HB9 – PAC to PAC Transfers (ACT 2010-765) – This bill prohibits campaign contributions, expenditures, and other transfers of funds between political action committees. The bill also limits certain political party expenditures to \$5,000 per election cycle. This Act becomes effective upon signature of the Governor.

HB10 – Pass-through Appropriations (ACT 2010-759) – This bill prohibits public funds from being passed through from one entity to another at the direction of a member of the legislature. This Act becomes effective upon signature of the Governor.

HB11 – Mandatory Training on the Ethics Law (ACT 2010-762) – This bill broadens the definition of lobbying to include activity with the executive, legislative, or judicial branch. It also requires the Ethics Commission to allow electronic filing of records and to maintain an electronic database searchable by the public, and requires mandatory ethics training for public officials, public employees, and lobbyists. All mayors, councilmembers, and commissioners shall obtain training within 120 days of the effective date of the act. Thereafter, all mayors, councilmembers, and commissioners shall receive training within 120 days of being sworn into office. Training shall be available online and may be conducted either online or in person. Public employees required to file a statement of economic interests must also obtain the ethics training. This Act takes effective on January 1, 2011.

SB1 – Subpoena Power (ACT 2010-763) – This bill grants subpoena power to the State Ethics Commission. This Act takes effective on January 1, 2011.

SB2 – Payroll Deduction (ACT 2010-761)– This bill prohibits any person employed by the State, a county, a city, a local school board, or any other governmental agency, from using governmental agency funds, property, or time, for any political activities. Further, no person in the employment of the State, a county, a city, a local school board, or any other governmental agency may arrange by salary deduction or otherwise for any payments to a political action committee or arrange by salary deduction or otherwise for any payments for the dues of any person so employed to a membership organization which uses any portion of the dues for political activity. The bill defines the term “political activity”. This Act takes effective 90 days after being signed by the Governor. The League recommends that a municipality or municipal instrumentality obtain an opinion from the State Ethics Commission before it withholds and remits dues to a membership organization for its employees.

SB3 – Double Dipping Prohibition Act (ACT 2010-760) – This bill prohibits a member of the Legislature from being employed with any other branch of government, or department, agency, board, or commission of the state or public educational institution, during the time they serve as a legislator. Certain exceptions are provided. This Act becomes effective on January 17, 2011.

SB14 – Expenditures by Lobbyists (ACT 2010-764) – This bill defines the term “lobbyist” and limits what a lobbyist can expend on a public official. The bill prohibits a lobbyist from giving a thing of value to a public official, public employee, or to a family member of a public official or public employee. The bill enumerates 18 items which are not a “thing of value”. Among the items that **are not** “things of value” are meals and other food and beverages provided to a public official or public employee in a setting (other than certain functions listed among the 18 items that are not things of value), not to exceed for a lobbyist \$25.00 per meal with a limit of \$150.00 per year. A principal may not exceed \$50.00 per meal with a limit of \$250.00 per year. Municipal officials should look at the complete list of items that **are not** considered “things of value” to completely understand what they can or cannot accept from lobbyists. A complete analysis of this legislation will be provided by the League soon. This Act shall become effective 90 days from the date of passage.