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Alaska State Legislature



Speaker of the House of Representatives

Pouch V
State Capitol
Juneau, Alaska 99811

Official Business

MEMORANDUM

TO: Representative Mike Miller, Chairman
House Committee on State Affairs

FROM: Representative Jim Duncan
Speaker of the House

DATE: April 8, 1981

SUBJECT: Confirmation of Governor's Appointments

The attached list of Governor's appointees have been referred to your committee for recommendations on confirmation. It is necessary to receive your committee recommendation as soon as possible. If the committee has decided not to hold confirmation hearings and, therefore, has no recommendations, I would like a memorandum indicating such action.

JD:jp
attach.



Official Business

Alaska State Legislature

House of Representatives

Office of the Speaker

Pouch V
State Capitol
Juneau, Alaska 99811

MEMORANDUM

TO: Rep. Mike Miller
Chairman, State Affairs Committee

FROM: Representative Jim Duncan
Speaker of the House

DATE: March 4, 1981

SUBJECT: Confirmation of Governor's Appointments

The following names have been submitted by the Governor for confirmation. Please evaluate the nominees and conduct confirmation hearings as you deem necessary. Please submit your recommendations for action on the nominations by the House of Representatives as soon as possible.

ALASKA PUBLIC OFFICES COMMISSION

Mildred A. Opland, Anchorage, term expiring February 1, 1986

JD:jp



Alaska State Legislature

House of Representatives

Office of the Speaker

Pouch V
State Capitol
Juneau, Alaska 99811

Official Business

MEMORANDUM

TO: Rep. Mike Miller, Chairman
House Committee on State Affairs

FROM: Representative Jim Duncan

DATE: February 16, 1981

RE: Confirmation of Governor's Appointments

The following names have been submitted by the Governor for confirmation. Please evaluate the nominees and conduct confirmation hearings as you deem necessary. Please submit your recommendations for action on the nominations by the House of Representatives as soon as possible.

Athletic Commission:

Don Dennis, Fairbanks, term expiring 05/14/82
Reginald Joule, Kotzebue, term expiring 05/14/82

Personnel Board:

Morgan Reed, Skagway, term expiring 06/20/86

State Commission for Human Rights:

James Chase, Anchorage, term expiring 01/31/86

JD:jp

CODE OF ETHICS

for Public Officers and Employees

Chapter 112, Part III, Florida Statutes

with 1977 Amendments

PART III

CODE OF ETHICS FOR PUBLIC OFFICERS AND EMPLOYEES

- 112.311 Legislative intent and declaration of policy.
- 112.312 Definitions.
- 112.313 Standards of conduct for public officers and employees of agencies.
- 112.3141 Additional standards of conduct for public officers.
- 112.3143 Voting conflicts.
- 112.3145 Disclosure of financial interests and clients represented before agencies.
- 112.3146 Public records.
- 112.3147 Forms.
- 112.316 Construction.
- 112.317 Penalties.
- 112.3175 Remedies; contracts voidable.
- 112.3191 Short title.
- 112.320 Commission created; purpose.
- 112.321 Membership, terms, etc.
- 112.322 Duties and powers of commission.
- 112.324 Procedures on complaints of violations.
- 112.3241 Judicial review.
- 112.326 Additional requirements by political subdivisions not prohibited.

112.311 Legislative intent and declaration of policy.—

(1) It is essential to the proper conduct and operation of government that public officials be independent and impartial and that public office not be used for private gain other than the remuneration provided by law. The public interest, therefore, requires that the law protect against any conflict of interest and establish standards for the conduct of elected officials and government employees in situations where conflicts may exist.

(2) It is also essential that government attract those citizens best qualified to serve. Thus, the law

against conflict of interest must be so designed as not to impede unreasonably or unnecessarily the recruitment and retention by government of those best qualified to serve. Public officials should not be denied the opportunity, available to all other citizens, to acquire and retain private economic interests except when conflicts with the responsibility of such officials to the public cannot be avoided.

(3) It is likewise essential that the people be free to seek redress of their grievances and express their opinions to all government officials on current issues and past or pending legislative and executive actions at every level of government. In order to preserve and maintain the integrity of the governmental process, it is necessary that the identity, expenditures, and activities of those persons who regularly engage in efforts to persuade public officials to take specific actions, either by direct communication with such officials or by solicitation of others to engage in such efforts, be regularly disclosed to the people.

(4) It is the intent of this act to implement these objectives of protecting the integrity of government and of facilitating the recruitment and retention of qualified personnel by prescribing restrictions against conflicts of interest without creating unnecessary barriers to public service.

(5) It is hereby declared to be the policy of the state that no officer or employee of a state agency or of a county, city, or other political subdivision of the state, and no member of the Legislature or legislative employee, shall have any interest, financial or otherwise, direct or indirect; engage in any business transaction or professional activity; or incur any obligation of any nature which is in substantial conflict with the proper discharge of his duties in the public interest. To implement this policy and strengthen the faith and confidence of the people of the state in their government, there is enacted a code of ethics setting forth standards of conduct required of state, county, and city officers and employees, and of officers and employees of other political subdivisions of the state, in the performance of their official duties. It is the intent of the Legislature that this code shall serve not only as a guide for the official conduct of public servants in this state, but also as a basis for discipline of those who violate the provisions of this part.

(6) It is declared to be the policy of the state that public officers and employees, state and local, are agents of the people and hold their positions for the benefit of the public. They are bound to uphold the Constitution of the United States and the State Constitution and to perform efficiently and faithfully their duties under the laws of the federal, state, and local governments. Such officers and employees are bound to observe, in their official acts, the highest standards of ethics consistent with this code and the advisory opinions rendered with respect hereto regardless of personal considerations, recognizing that promoting the public interest and maintaining the respect of the people in their government must be of foremost concern.

History.—s. 1, ch. 67-469; s. 1, ch. 69-335; s. 1, ch. 74-177; s. 2, ch. 75-208.

112.312 Definitions.—As used in this part, unless the context otherwise requires:

(1) "Advisory body" means any board, commission, committee, council, or authority, however selected, whose total budget, appropriations, or authorized expenditures constitute less than 1 percent of the budget of each agency it serves or \$100,000, whichever is less, and whose powers, jurisdiction, and authority are solely advisory and do not include the final determination or adjudication of any personal or property rights, duties, or obligations, other than those relating to its internal operations.

(2) "Agency" means any state, regional, county, local, or municipal government entity of this state, whether executive, judicial, or legislative; any department, division, bureau, commission, authority, or political subdivision of this state therein; or any public school, community college, or state university.

(3) "Business entity" means any corporation, partnership, limited partnership, proprietorship, firm, enterprise, franchise, association, self-employed individual, or trust, whether fictitiously named or not, doing business in this state.

(4) "Candidate" means any person who has filed a statement of financial interest and qualification papers, has subscribed to the candidate's oath as required by s. 99.021, and seeks by election to become a public officer. This definition expressly excludes a committeeman regulated by chapter 103 and persons seeking any other office or position in a political party.

(5) "Commission" means the Commission on Ethics created by s. 112.320 or any successor to which its duties are transferred.

(6) "Conflict" or "conflict of interest" means a situation in which regard for a private interest tends to lead to disregard of a public duty or interest.

(7) "Corruptly" means done with a wrongful intent and for the purpose of obtaining, or compensating or receiving compensation for, any benefit resulting from some act or omission of a public servant which is inconsistent with the proper performance of his public duties.

(8) "Disclosure period" means the taxable year for the person or business entity, whether based on a calendar or fiscal year, immediately preceding the date on which, or the last day of the period during which, the financial disclosure statement required by this part is required to be filed.

(9)(a) "Gift," for purposes of ethics in government and financial disclosure required by law, means real property or tangible or intangible personal property, of material value to the recipient, which is transferred to a donee directly or in trust for his benefit or by any other means.

(b) For the purposes of subsection (a), "intangible personal property" means property as defined in s. 192.001(11)(b).

(10) "Indirect" or "indirect interest" means an interest in which legal title is held by another as trustee or other representative capacity, but the equitable or beneficial interest is held by the person required to file under this part.

(11) "Material interest" means direct or indirect ownership of more than 5 percent of the total assets

or capital stock of any business entity. For the purposes of this act indirect ownership shall not include ownership by a spouse or minor child.

(12) "Materially affected" means involving an interest in real property located within the jurisdiction of the official's agency or involving an investment in a business entity, a source of income or a position of employment, office, or management in any business entity located within the jurisdiction or doing business within the jurisdiction of the official's agency which is or will be affected in a substantially different manner or degree than the manner or degree in which the public in general will be affected or, if the matter affects only a special class of persons, then affected in a substantially different manner or degree than the manner or degree in which such class will be affected.

(13) "Ministerial matter" means action that a person takes in a prescribed manner in obedience to the mandate of legal authority, without the exercise of the person's own judgment or discretion as to the propriety of the action taken.

(14) "Person or business entities provided a grant or privilege to operate" includes state and federally chartered banks, state and federal savings and loan associations, cemetery companies, insurance companies, mortgage companies, credit unions, small loan companies, alcoholic beverage licensees, pari-mutuel wagering companies, utility companies, and entities controlled by the Public Service Commission or granted a franchise to operate by either a city or county government.

(15) "Represent" or "representation" means actual physical attendance on behalf of a client in an agency proceeding, the writing of letters or filing of documents on behalf of a client, and personal communications made with the officers or employees of any agency on behalf of a client.

(16) "Source" means the name, address, and description of the principal business activity of a person or business entity.

(17) "Value of real property" means the most recently assessed value in lieu of a more current appraisal.

History.—s. 2, ch. 67-469; ss. 11, 12, ch. 68-35; s. 8, ch. 69-353; s. 2, ch. 74-177; s. 1, ch. 75-196; s. 1, ch. 75-199; s. 3, ch. 75-208; s. 4, ch. 76-18; s. 1, ch. 77-174.

112.313 Standards of conduct for public officers and employees of agencies.—

(1) **DEFINITION.**—As used in this section, unless the context otherwise requires, the term "public officer" shall include any person elected or appointed to hold office in any agency, including any person serving on an advisory body.

(2) **SOLICITATION OR ACCEPTANCE OF GIFTS.**—No public officer or employee of an agency or candidate for nomination or election shall solicit or accept anything of value to the recipient, including a gift, loan, reward, promise of future employment, favor, or service:

(a) That would cause a reasonably prudent person to be influenced in the discharge of official duties.

(b) That is based upon any understanding that the vote, official action, or judgment of the public officer, employee, or candidate would be influenced thereby.

(3) DOING BUSINESS WITH ONE'S AGENCY.

—No employee of an agency acting in his official capacity as a purchasing agent, or public officer acting in his official capacity, shall either directly or indirectly purchase, rent, or lease any realty, goods, or services for his own agency from any business entity of which he or his spouse or child is an officer, partner, director, or proprietor or in which such officer or employee or his spouse or child, or any combination of them, has a material interest. Nor shall a public officer or employee, acting in a private capacity, rent, lease, or sell any realty, goods, or services to his own agency, if he is a state officer or employee, or to any political subdivision or any agency thereof, if he is serving as an officer or employee of that political subdivision. The foregoing shall not apply to district offices maintained by legislators when such offices are located in the legislator's place of business. This subsection shall not affect or be construed to prohibit contracts entered into prior to:

(a) October 1, 1975.

(b) Qualification for elective office.

(c) Appointment to public office.

(d) Beginning public employment.

(4) **UNAUTHORIZED COMPENSATION.**—No public officer or employee of an agency or his spouse or minor child shall, at any time, accept any compensation, payment, or thing of value when such public officer or employee knows, or, with the exercise of reasonable care, should know, that it was given to influence a vote or other action in which the officer or employee was expected to participate in his official capacity.

(5) **SALARY AND EXPENSES.**—No public officer shall be prohibited from voting on a matter affecting his salary, expenses, or other compensation as a public officer, as provided by law.

(6) **MISUSE OF PUBLIC POSITION.**—No public officer or employee of an agency shall corruptly use or attempt to use his official position or any property or resource which may be within his trust, or perform his official duties, to secure a special privilege, benefit, or exemption for himself or others. This section shall not be construed to conflict with s. 104.31.

(7) **CONFLICTING EMPLOYMENT OR CONTRACTUAL RELATIONSHIP.**—

(a) No public officer or employee of an agency shall have or hold any employment or contractual relationship with any business entity or any agency which is subject to the regulation of, or is doing business with, an agency of which he is an officer or employee, excluding those organizations and their officers who, when acting in their official capacity, enter into or negotiate a collective bargaining contract with the state or any municipality, county, or other political subdivision of the state; nor shall an officer or employee of an agency have or hold any employment or contractual relationship that will create a continuing or frequently recurring conflict between his private interests and the performance of his public duties or that would impede the full and faithful discharge of his public duties.

1. When the agency referred to is that certain kind of special tax district created by general or special law and is limited specifically to constructing, maintaining, managing, and financing improve-

ments in the land area over which the agency has jurisdiction, or when the agency has been organized pursuant to chapter 298, then employment with, or entering into a contractual relationship with, such business entity by a public officer or employee of such agency shall not be prohibited by this subsection or be deemed a conflict per se. However, conduct by such officer or employee that is prohibited by, or otherwise frustrates the intent of, this section shall be deemed a conflict of interest in violation of the standards of conduct set forth by this section.

2. When the agency referred to is a legislative body and the regulatory power over the business entity resides in another agency, or when the regulatory power which the legislative body exercises over the business entity or agency is strictly through the enactment of laws or ordinances, then employment or a contractual relationship with such business entity by a public officer or employee of a legislative body shall not be prohibited by this subsection or be deemed a conflict.

(b) This subsection shall not prohibit a public officer or employee from practicing in a particular profession or occupation when such practice by persons holding such public office or employment is required or permitted by law or ordinance.

(8) **DISCLOSURE OR USE OF CERTAIN INFORMATION.**—No public officer or employee of an agency shall disclose or use information not available to members of the general public and gained by reason of his official position for his personal gain or benefit or for the personal gain or benefit of any other person or business entity.

(9) **DISCLOSURE OF SPECIFIED INTERESTS.**—

(a) If a public officer or employee of an agency is an officer, director, partner, proprietor, associate, or general agent (other than a resident agent solely for service of process) of, or owns a material interest in, any business entity which is granted a privilege to operate in this state, he shall file a statement disclosing such facts no later than 45 days after becoming an officer or employee or after the acquisition of such position or material interest. The statement shall give the name, address, and principal business activity of the business entity and shall state the position held with such business entity or the fact that a material interest is owned and the nature of said interest. New appointees to public office or new public employees shall file the statement required herein, if applicable, no later than 30 days after their appointment or after the date their employment begins.

(b) A person seeking to qualify as a candidate for nomination or election to any office shall file a like statement along with, and as a part of, the required qualification papers. The statement shall be filed with the Department of State if the individual is seeking a state office or is a state officer or employee. Persons seeking to qualify as a candidate for nomination or election to office within a political subdivision of the state, the duties and jurisdiction of which are limited to said political subdivision, and officers and employees of such subdivisions, shall file their statements with the Clerk of the Circuit Court of the

county in which they are principally employed or are residents.

(10) **EMPLOYEES HOLDING OFFICE.**—

(a) No employee of a state agency or of a county, municipality, special taxing district, or other political subdivision of the state shall hold office as a member of the governing board, council, commission, or authority, by whatever name known, which is his employer while, at the same time, continuing as an employee of such employer.

(b) The provisions of this subsection shall not apply to any person holding office in violation of such provisions on the effective date of this act. However, such a person shall surrender his conflicting employment prior to seeking reelection or accepting reappointment to office.

(11) **PROFESSIONAL AND OCCUPATIONAL LICENSING BOARD MEMBERS.**—No officer, director, or administrator of a Florida state, county, or regional professional or occupational organization or association, while holding such position, shall be eligible to serve as a member of a state examining or licensing board for the profession or occupation.

(12) **EXEMPTION.**—The requirements of subsections (3) and (7) as they pertain to persons serving on advisory boards may be waived in a particular instance by the body which appointed the person to the advisory board, upon a full disclosure of the transaction or relationship and an affirmative vote in favor of waiver by two-thirds vote of that body. In instances in which appointment to the advisory board is made by an individual, waiver may be effected, after public hearing, by a determination by the appointing person and full disclosure of the transaction or relationship by the appointee. In addition, no person shall be held in violation of subsection (3) or subsection (7) if:

(a) Within a city or county the business is transacted under a rotation system whereby the business transactions are rotated among all qualified suppliers of the goods or services within said city or county.

(b) The business is awarded under a system of sealed, competitive bidding to the lowest or best bidder and:

1. The official or his spouse or child has in no way participated in the determination of the bid specifications or the determination of the lowest or best bidder;

2. The official or his spouse or child has in no way used or attempted to use his influence to persuade the agency or any personnel thereof to enter such a contract other than by the mere submission of the bid; and

3. The official, prior to or at the time of the submission of the bid, has filed a statement with the Department of State, if he is a state officer or employee, or with the Clerk of the Circuit Court of the county in which the agency has its principal office, if he is an officer or employee of a political subdivision, disclosing his, or his spouse's or child's, interest and the nature of the intended business.

(c) The purchase or sale is for legal advertising in a newspaper, for any utilities service, or for passage on a common carrier.

(d) An emergency purchase or contract which would otherwise violate a provision of subsection (3)

or subsection (7) must be made in order to protect the health, safety, or welfare of the citizens of the state or any political subdivision thereof.

(e) The business entity involved is the only source of supply within the political subdivision of the officer or employee, and there is full disclosure of the officer's or employee's interest in the business entity to the governing body of the political subdivision.

(f) The total amount of the subject transaction does not exceed \$500.

*History.—*a. 3, ch. 67-469; a. 2, ch. 69-335; aa. 10, 35, ch. 69-106; a. 3, ch. 74-177; m. 4, 11, ch. 75-208; s. 1, ch. 77-174; s. 1, ch. 77-349.

112.3141 Additional standards of conduct for public officers.—

(1) In addition to the provisions of this part which are applicable to legislators and legislative employees by virtue of their being public officers or employees, the conduct of members of the Legislature and legislative employees shall be governed by the ethical standards provided in the respective rules of the Senate or House of Representatives which are not in conflict herewith.

(2) No full-time legislative employee shall be otherwise employed during the regular hours of his primary occupation, except with the written permission of the presiding officer of the house by which he is employed, filed with the Clerk of the House of Representatives or with the Secretary of the Senate, as may be appropriate. Employees of joint committees must have the permission of the presiding officers of both houses. This section shall not be construed to contravene the restrictions of s. 11.26.

*History.—*aa. 4, 8, ch. 74-177; s. 5, ch. 75-208.

112.3143 Voting conflicts.—No public officer shall be prohibited from voting in his official capacity on any matter. However, any public officer voting in his official capacity upon any measure in which he has a personal, private, or professional interest and which inures to his special private gain or the special gain of any principal by whom he is retained shall, within 15 days after the vote occurs, disclose the nature of his interest as a public record in a memorandum filed with the person responsible for recording the minutes of the meeting, who shall incorporate the memorandum in the minutes.

*History.—*a. 6, ch. 75-208.

112.3145 Disclosure of financial interests and clients represented before agencies.—

(1) For purposes of this section, unless the context otherwise requires:

(a) "Local officer" means:

1. Every person who is elected to office in any political subdivision of the state, and every person who is appointed to fill a vacancy for an unexpired term in such an elective office.

2. Any appointed member of a board, commission, authority, community college district board of trustees, or council of any political subdivision of the state, excluding any member of an advisory body. A governmental body with land-planning, zoning, or natural resources responsibilities shall not be considered an advisory body.

3. Any person holding one or more of the follow-

ing positions, by whatever title, including persons appointed to act directly in such capacity, but excluding assistants and deputies unless specifically named herein: clerk of the circuit court; clerk of the county court; county or city manager; political subdivision chief; county or city administrator; county or city attorney; chief county or city building inspector; county or city water resources coordinator; county or city pollution control director; county or city environmental control director; county or city administrator, with power to grant or deny a land development permit; chief of police; fire chief; city or town clerk; district school superintendent; community college presidents; or a purchasing agent having the authority to make any purchase exceeding \$100 for any political subdivision of the state or any entity thereof.

(b) "Specified employee" means:

1. Public counsel created by chapter 350; an assistant state attorney; an assistant public defender; a full-time state employee who serves as counsel or assistant counsel to any state agency; a judge of industrial claims; and a hearing examiner.

2. Any person employed in the office of the Governor or in the office of any member of the cabinet, if that person is exempt from the career service system, except persons employed in clerical, secretarial, or similar positions.

3. Each appointed secretary, assistant secretary, deputy secretary, executive director, assistant executive director, or deputy executive director of each state department, commission, board, or council; unless otherwise provided, the division director, assistant division director, deputy director, bureau chief, and assistant bureau chief of any state department or division; or any person having the power normally conferred upon such persons, by whatever title.

4. The superintendent or institute director of a mental health institute established for training and research in the mental health field; the superintendent or director of any major state institution or facility established for training, treatment, or rehabilitation; or any person having the power normally conferred on such persons by whatever title.

5. Business managers, purchasing agents, finance and accounting directors, personnel officers, and grants coordinators for any state agency, or persons having the power normally conferred upon such persons, by whatever title.

6. The Auditor General; the Sergeant-at-Arms and Secretary of the Senate; the Sergeant-at-Arms and Clerk of the House of Representatives; the Executive Director of the Joint Legislative Management Committee; the Director of Statutory Revision; and the staff director of each committee of the Legislature.

7. Each employee of the Commission on Ethics.

8. Any full-time state employee who, in addition to his regular duties, accepts compensation which in the aggregate exceeds \$250 for consultations with other state agencies or with other government or business entities.

(c) "State officer" means:

1. All elected public officers, to include those elected to the United States Senate and House of Representatives, not covered elsewhere in this part

and any person who is appointed to fill a vacancy for an unexpired term in such an elective office.

2. An appointed member of each board, commission, authority, or council having statewide jurisdiction, excluding a member of an advisory body.

3. A member of the Board of Regents; the Chancellor and Vice Chancellor of the State University System; and the president of a state university.

(2)(a) A person seeking nomination or election to a state or local elective office shall file a statement of financial interests together with, and at the same time he files, his qualifying papers.

(b) Each state or local officer and each specified employee shall file a statement of financial interests no later than 12 o'clock noon of July 15 of each year, including the July 15th following the last year he is in office. Each state or local officer who is appointed and each specified employee who is employed shall file a statement of financial interests within 30 days from the date of appointment or, in the case of specified employees, from the date on which the employment begins, except that any person whose appointment is subject to confirmation by the Senate shall file prior to confirmation hearings or within 30 days from the date of appointment, whichever comes first.

(c) State officers and specified employees shall file their statements of financial interests with the Secretary of State. Local officers shall file their statements of financial interests with the Clerk of the Circuit Court of the county in which they are principally employed or are residents. Persons seeking to qualify as candidates for public office shall file their statements of financial interests with the officer before whom they qualify.

(3) The statement of financial interests for state officers, specified employees, local officers, and persons seeking to qualify as candidates for state or local office shall be filed even if the reporting person holds no financial interests requiring disclosure, in which case the statement shall be marked "not applicable." Otherwise, the statement of financial interests shall include:

(a) All sources of income in excess of 5 percent of the gross income received during the disclosure period by the person in his own name or by any other person for his use or benefit, excluding public salary. However, this shall not be construed to require disclosure of a business partner's sources of income. The person reporting shall list such sources in descending order of value with the largest source first.

(b) All sources of income to a business entity in excess of 10 percent of the gross income of a business entity in which the reporting person held a material interest and from which he received an amount which was in excess of 10 percent of his gross income during the disclosure period and which exceeds \$1,500. The period for computing the gross income of the business entity is the fiscal year of the business entity which ended on, or immediately prior to, the end of the disclosure period of the person reporting.

(c) The location or description of real property in this state, except for residences and vacation homes, owned directly or indirectly by the person reporting, when such person owns in excess of 5 percent of the value of such real property, and the general description of any intangible personal property worth in

excess of 10 percent of such person's total assets. For the purposes of this paragraph indirect ownership shall not include ownership by a spouse or minor child.

(d) A list of all persons, business entities, or other organizations, and the address and a description of the principal business activity of each, from whom he received a gift or gifts from one source, the total of which exceeds \$100 in value during the disclosure period. The person reporting shall list such benefactors in descending order of value with the largest listed first. Gifts received from a parent, grandparent, sibling child, or spouse of the person reporting, or from a spouse of any of the foregoing; gifts received by bequest or devise; gifts disclosed pursuant to s. 111.011; or campaign contributions which were reported as required by law need not be listed. For purposes of this paragraph a debt on which a preferential rate of interest substantially below the rate charged under the then customary and usual circumstances is charged shall be deemed a gift of an amount equal to the amount represented by the difference between the preferential and customary rate charged on the debt.

(e) Every debt which in sum equals more than the reporting person's net worth.

(4) Each state officer, local officer, and specified employee shall file a quarterly report of the names of clients represented for a fee or commission, except for appearances in ministerial matters, before agencies at his level of government. For the purposes of this part, agencies of government shall be classified as state level agencies or agencies below state level. The report shall be filed only when a reportable representation is made during the calendar quarter and shall be filed no later than 15 days after the last day of the quarter. Representation before any agency shall be deemed to include representation by such officer or specified employee or by any partner or associate of the professional firm of which he is a member and of which he has actual knowledge. For the purposes of this subsection, "representation before any agency" shall not include appearances before any court or judges or commissioners of industrial claims or representations on behalf of one's agency in his official capacity. Such term shall not include the preparation and filing of forms and applications merely for the purpose of obtaining or transferring a license based on a quota or a franchise of such agency or a license or operation permit to engage in a profession, business, or occupation, so long as the issuance or granting of such license, permit, or transfer does not require substantial discretion, a variance, a special consideration, or a certificate of public convenience and necessity.

(5) The Secretary of State shall by mail send a copy of the forms required to be filed by this part, together with a notice of the filing deadlines, to each state officer and specified employee no later than 30 days prior to the filing deadlines. The agency head shall send said forms and notice to each local officer no later than 30 days prior to the filing deadlines. However, the requirements of this subsection shall not apply to candidates or to the first filing required of any state officer, specified employee, or local officer.

(6) A public officer who has filed a disclosure for any calendar or fiscal year shall not be required to file a second disclosure for the same year or any part thereof, notwithstanding any requirement of this act, except that any public officer who qualifies as a candidate for public office shall file a copy of his disclosure with the officer before whom he qualifies as a candidate at the time he qualifies.

History.—s. 5, ch. 74-177; s. 2, 6, ch. 75-196; s. 2, ch. 76-18; s. 1, ch. 77-174; s. 63, ch. 77-175.

Note.—As amended, effective January 1, 1978.

112.3146 Public records.—The statements required by ss. 112.313, 112.3141, and 112.3145 shall be public records within the meaning of s. 119.01.

History.—s. 6, ch. 74-177.

112.3147 Forms.—

(1) All information required to be furnished by ss. 112.313, 112.3141, and 112.3145(4) shall be on forms prescribed by the Commission on Ethics.

(2) The Commission on Ethics shall prescribe a form for the disclosure of information pursuant to s. 112.3145(3) for use by persons not required to file a statement of contributions pursuant to s. 111.011.

(3) The Commission on Ethics and the Department of State shall jointly prescribe a form for use by elected public officers, on which form both the information required to be furnished by s. 111.011 and the information required to be furnished by s. 112.3145(3) shall be disclosed.

History.—s. 7, ch. 74-177; s. 3, ch. 76-18.

112.316 Construction.—It is not the intent of this part, nor shall it be construed, to prevent any officer or employee of a state agency or county, city,

other political subdivision of the state or any legislator or legislative employee from accepting other employment or following any pursuit which does not interfere with the full and faithful discharge by such officer, employee, legislator, or legislative employee of his duties to the state or the county, city, or other political subdivision of the state involved.

History.—s. 6, ch. 67-469; s. 2, ch. 68-335.

112.317 Penalties.—

(1) Violation of any provision of this part, including, but not limited to, any failure to file any disclosures required by this part or violation of any standard of conduct imposed by this part, in addition to any criminal penalty involved, shall, pursuant to applicable constitutional and statutory procedures, constitute grounds for, and may be punished by, one or more of the following:

(a) In the case of a public officer:

1. Impeachment.
2. Removal from office.
3. Suspension from office.
4. Public censure and reprimand.
5. Forfeiture of no more than one-third salary per month for no more than 12 months.
6. A civil penalty not to exceed \$5,000.
7. Restitution of any pecuniary benefits received because of the violation committed.

(b) In the case of an employee or a person designated as a public officer by this part who otherwise would be deemed to be an employee:

1. Dismissal from employment.

2. Suspension from employment for not more than 90 days without pay.

3. Demotion.

4. Reduction in salary level.

5. Forfeiture of no more than one-third salary per month for no more than 12 months.

6. A civil penalty not to exceed \$5,000.

7. Restitution of any pecuniary benefits received because of the violation committed.

8. Public censure and reprimand.

(c) In the case of a candidate who violates the provisions of s. 112.3145, disqualification from being on the ballot.

(2) In any case in which the commission finds a violation of this part and recommends a civil penalty or restitution penalty, the Attorney General shall bring a civil action to recover such penalty. No defense may be raised in the civil action to enforce the civil penalty or order of restitution that could have been raised by judicial review of the administrative findings and recommendations of the commission by certiorari to the District Court of Appeal.

(3) The penalties prescribed in this part shall not be construed to limit or to conflict with:

(a) The power of either house of the Legislature to discipline its own members or impeach a public officer.

(b) The power of agencies to discipline officers or employees.

(4) Any violation of this part by a public officer shall constitute malfeasance, misfeasance, or neglect of duty in office within the meaning of s. 7, Art. IV of the State Constitution.

(5) By order of the Governor, upon recommendation of the commission, any elected municipal officer who violates any provision of this part may be suspended from office and the office filled by appointment for the period of suspension. The suspended officer may at any time before removal be reinstated by the Governor. The Senate may, in proceedings prescribed by law, remove from office, or reinstate, the suspended official, and for such purpose the Senate may be convened in special session by its president or by a majority of its membership.

(6) Any person who willfully discloses, or permits to be disclosed, his intention to file a complaint, the existence or contents of a complaint which has been filed with the commission, or any document, action, or proceeding in connection with a confidential preliminary investigation of the commission, before such complaint, document, action, or proceeding becomes a public record as provided herein shall be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(7) In any case in which the commission finds probable cause to believe that a complainant has committed perjury in regard to any document filed with, or any testimony given before, the commission, it shall refer such evidence to the appropriate law enforcement agency for prosecution and taxation of costs.

(8) In any case in which the commission determines that a person has filed a complaint against a public officer or employee with a malicious intent to injure the reputation of such officer or employee and in which such complaint is found to be frivolous and

without basis in law or fact, the complainant shall be liable for costs plus reasonable attorney's fees incurred by the person complained against. If the complainant fails to pay such costs voluntarily within 30 days following such finding and dismissal of the complaint by the commission, the commission shall forward such information to the Department of Legal Affairs, which shall bring a civil action to recover such costs.

History.—s. 7, ch. 67-469; s. 1, ch. 70-144; s. 2, ch. 74-176; s. 2, ch. 74-177; s. 2, ch. 75-199; s. 7, ch. 75-208.

112.3175 Remedies; contracts voidable.—Any contract which has been executed in violation of this part is voidable:

(1) By any party to the contract.

(2) In any circuit court, by any appropriate action, by:

(a) The commission.

(b) The Attorney General.

(c) Any citizen materially affected by the contract and residing in the jurisdiction represented by the officer or agency entering into such contract.

History.—s. 8, ch. 75-208.

112.3191 Short title.—This act shall be known and cited as "The John J. Savage Memorial Act of 1974."

History.—s. 1, ch. 74-176.

112.320 Commission created; purpose.—There is created a Commission on Ethics, the purpose of which is to serve as guardian of the standards of conduct for the officers and employees of the state, and of a county, city, or other political subdivision of the state, as defined in this part.

History.—s. 2, ch. 74-176.

112.321 Membership, terms, etc.—

(1) The commission shall be composed of nine members. Four of these members shall be appointed by the governor, no more than two of whom shall be from the same political party, subject to confirmation by the senate. One member appointed by the Governor shall be a former city or county official. Two members shall be appointed by the Speaker of the House and two members shall be appointed by the President of the Senate. Neither the Speaker of the House nor President of the Senate shall appoint more than one member from the same political party. No member may hold any public employment. All members shall serve 2-year terms, except that four of the initial members appointed by the governor shall serve 1-year terms. All succeeding appointments shall be for 2 years. Members of the commission shall receive no salary, but shall receive travel and per diem as provided in s. 112.061. The members of the commission shall elect a chairman from their number, who shall serve as chairman for a 1-year term and may not succeed himself as chairman. No member shall serve more than two full terms in succession. Any member of the commission may be removed for cause by majority vote of the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Chief Justice of the Supreme Court.

(2) The commission shall employ, and set the

compensation of, an executive director, and he shall be provided with the necessary office space, assistants, and secretaries as required.

History.—s. 2, ch. 74-176; s. 3, ch. 75-199.

Note.—See AGO 076-152, advising that the Governor has authority to appoint the ninth member.

112.322 Duties and powers of commission.—

(1) It is the duty of the Commission on Ethics to receive and investigate sworn complaints of violation of the code of ethics as established in this part, including investigation of all facts and parties material related to the complaint at issue.

(2)(a) Any public officer or employee may request a hearing before the Commission on Ethics to present oral or written testimony in response to allegations made against such person that he or she violated the code of ethics established in this part, provided a majority of the commission members present and voting consider that the allegations are of such gravity as to affect the general welfare of the state and the ability of the subject public officer or employee effectively to discharge the duties of the office. If the allegations made against the subject public officer or employee are made under oath, then he or she shall also be required to testify under oath.

(b) Upon completion of any investigation initiated under this subsection, the commission shall make a finding and public report as to whether any provision of the code of ethics has been violated by the subject official or employee. In the event that a violation is found to have been committed, the commission shall recommend appropriate action to the agency or official having power to impose any penalty provided by s. 112.317.

(c) All proceedings conducted pursuant to this subsection shall be public meetings within the meaning of chapter 286, and all documents made or received in connection with the commission's investigation thereof shall be public records within the meaning of chapter 119.

(d) Any response to a request of a public official or employee shall be addressed in the first instance to the official or employee making the request.

(3)(a) Every public officer, candidate for public office, or public employee, when in doubt about the applicability and interpretation of this part to himself in a particular context, may submit in writing the facts of the situation to the Commission on Ethics with a request for an advisory opinion to establish the standard of public duty. Any public officer or employee who has the power to hire or terminate employees may likewise seek an advisory opinion from the commission as to the application of the provisions of this part to any such employee or applicant for employment. An advisory opinion shall be rendered by the commission, and all of said opinions shall be numbered, dated, and published without naming the person making the request, unless such person consents to the use of his name.

(b) Said opinion, until amended or revoked, shall be binding on the conduct of the officer, employee, or candidate who sought the opinion or with reference to whom the opinion was sought, unless material facts were omitted or misstated in the request for the advisory opinion.

(4) The commission has the power to subpoena,

audit, and investigate. The commission may subpoena witnesses and compel their attendance and testimony, administer oaths and affirmations, take evidence, and require by subpoena the production of any books, papers, records, or other items relevant to the performance of the commission's duties or exercise of its powers. In the case of a refusal to obey a subpoena issued to any person, the commission may make application to any circuit court of this state which shall have jurisdiction to order the witness to appear before the commission and to produce evidence, if so ordered, or to give testimony touching on the matter in question. Failure to obey the order may be punished by the court as contempt. Witnesses shall be paid mileage and witnesses fees as authorized for witnesses in civil cases.

(5) The commission may recommend that the Governor initiate judicial proceedings in the name of the state against any executive or administrative state, county, or municipal officer to enforce compliance with any provision of this part or to restrain violations of this part, pursuant to s. 1(b), Art. IV of the State Constitution, and the Governor may without further action initiate such judicial proceedings.

(6) The commission is authorized to call upon appropriate agencies of state government for such professional assistance as may be needed in the discharge of its duties. The Department of Legal Affairs shall, upon request, provide legal and investigative assistance to the commission.

(7) It shall be the further duty of the commission to submit to the Legislature from time to time a report of its work and recommendations for legislation deemed necessary to improve the code of ethics and its enforcement.

History.—s. 2, ch. 74-176; s. 4, ch. 76-199; s. 1, ch. 76-89; s. 1, ch. 77-174.

112.324 Procedures on complaints of violations.—

(1) Upon a written complaint executed on a form prescribed by the commission and signed under oath or affirmation by any person, the commission shall investigate any alleged violation of this part in accordance with procedures set forth herein. Within 5 days after receipt of a complaint by the commission, a copy shall be transmitted to the alleged violator. All proceedings, the complaint, and other records relating to the preliminary investigation as provided herein, including a dismissal of the complaint, shall be confidential either until the alleged violator requests in writing that such investigation and records be made public records or the preliminary investigation is completed, notwithstanding any provision of chapters 119, 120 or 286. In no event shall a complaint under this part against a candidate in any general, special, or primary election be filed or any intention of filing such a complaint be disclosed on the day of any such election or within the 5 days immediately preceding the date of the election.

(2) A preliminary investigation shall first be undertaken by the commission to determine if the facts alleged in the complaint constitute probable cause to believe that a violation has occurred. If, upon completion of the preliminary investigation, the commission finds no probable cause to believe that this part has been violated, the commission shall dismiss the complaint, and the complaint, unless prohibited

by subsection (3), shall become a matter of public record, together with a written statement of the findings of the preliminary investigation and a summary of the facts which the commission shall send to the complainant and the alleged violator. If the commission finds from the preliminary investigation probable cause to believe that this part has been violated, it shall so notify the complainant and the alleged violator in writing. Such notification and all documents made or received in the disposition of the complaint shall then become public records. Upon request submitted to the commission in writing, any person who the commission finds probable cause to believe has violated any provision of this part shall be entitled to a public hearing. Such person shall be deemed to have waived the right to public hearing if the request is not received within 14 days following the mailing of the probable cause notification required by this subsection. However, the commission may on its own motion require a public hearing and may conduct such further investigation as it deems necessary.

(3) If, upon completion of its preliminary investigation of a complaint against an impeachable officer or member of the Legislature, the commission finds insufficient evidence to establish probable cause to believe a violation of this part has occurred, it shall dismiss the complaint. All evidence and material shall be kept in strict confidentiality by the commission after a complaint is dismissed. The information may be disclosed only upon written request by an appropriate legislative committee. Upon finding sufficient evidence to establish probable cause to believe a violation by such officer has occurred, the commission shall forward the complaint by certified mail to the President of the Senate or the Speaker of the House, whichever is applicable, who shall refer the complaint to the appropriate committee for investigation and action which shall be governed by the rules of its respective house. The complaint and all records relating to the preliminary investigation shall become public records upon referral by the Speaker or President to the appropriate committee. It shall be the duty of the committee to report its final action upon the complaint to the commission within 90 days of the date of transmittal to the respective house. If, for any reason, the committee to which the complaint is referred feels that it cannot or should not investigate the complaint, it may return the complaint to the commission which shall conduct a full investigation and report its findings to the committee for appropriate action. Upon request of the committee, the commission shall submit a recommendation as to what penalty, if any, should be imposed.

(4) If, in cases pertaining to complaints other than complaints against impeachable officers or members of the Legislature, upon completion of a full and final investigation by the commission, the commission finds that there has been a violation of this part, it shall be the duty of the commission to report its findings and recommend appropriate action to the proper disciplinary official or body as follows, and such official or body shall have the power to invoke the penalty provisions of this part:

(a) The Governor, in any case concerning officers

who can be removed or suspended by the Governor.

(b) The head of the agency, in any case concerning a state officer or employee not covered in paragraph (a).

(c) The governing body or appointing official of an officer or employee of a county, city, or other political sub-division of the state not otherwise covered in paragraph (a).

(d) The Secretary of State, in any case concerning a candidate whose name is placed on the ballot by certification of the Secretary of State only when the commission recommends removal of said candidate from the ballot for a violation of s. 112.3145.

(e) The city commission or city council, in any case concerning a candidate for municipal office only when the commission recommends removal of said candidate from the ballot for a violation of s. 112.3145.

(f) The county commission, in any case concerning a candidate for county office only when the commission recommends removal of said candidate from the ballot for a violation of s. 112.3145.

(5) In addition to reporting its findings to the proper disciplinary body or official, the commission shall report these findings to the State Attorney or any other appropriate official of an agency having authority to initiate prosecution when violation of criminal law is indicated.

(6) Notwithstanding the foregoing procedures of this section, a sworn complaint against any member or employee of the Commission on Ethics for violation of this part shall be filed with the President of the Senate and the Speaker of the House of Representatives. Each presiding officer shall appoint three members of their respective bodies to a special joint committee who shall investigate the complaint. The members shall elect a chairman from among their number. If the special joint committee finds insufficient evidence to establish probable cause to believe a violation of this part has occurred, it shall dismiss the complaint. If, upon completion of its preliminary investigation, the committee finds sufficient evidence to establish probable cause to believe a violation has occurred, the chairman thereof shall transmit such findings to the Governor who shall convene a meeting of the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Chief Justice of the Supreme Court to take such final action on the complaint as they shall deem appropriate, consistent with the penalty provisions of this part. Upon request of a majority of the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Chief Justice of the Supreme Court, the special joint committee shall submit a recommendation as to what penalty, if any, should be imposed.

*History.—*a. 2, ch. 74-176; s. 5, ch. 75-199.

112.3241 Judicial review.—Any final action by the commission taken pursuant to this part shall be subject to review in a District Court of Appeal upon the petition of the party against whom an adverse opinion, finding, or recommendation is made. In any case in which the Governor, upon the recommendation of the commission, has the power to suspend an officer or employee, the court may enter a supersedeas order staying the power of the Governor to sus-

pend pending the disposition of the appellate proceeding. However, this section shall not be construed to limit the Governor's power to suspend a municipal official indicted for crime.

*History.—*a. 6, ch. 75-199.

112.326 Additional requirements by political subdivisions not prohibited.—Nothing in this act shall prohibit the governing body of any political subdivision from imposing upon its own local officers additional or more stringent disclosure requirements than those specified in this part.

*History.—*a. 5, ch. 75-199.

CONSTITUTION OF THE STATE OF FLORIDA

AS REVISED IN 1968 AND SUBSEQUENTLY AMENDED

ARTICLE II

SECTION 8. Ethics in government.—A public office is a public trust. The people shall have the right to secure and sustain that trust against abuse. To assure this right:

(a) All elected constitutional officers and candidates for such offices and, as may be determined by law, other public officers, candidates, and employees shall file full and public disclosure of their financial interests.

(b) All elected public officers and candidates for such offices shall file full and public disclosure of their campaign finances.

(c) Any public officer or employee who breaches the public trust for private gain and any person or entity inducing such breach shall be liable to the state for all financial benefits obtained by such actions. The manner of recovery and additional damages may be provided by law.

(d) Any public officer or employee who is convicted of a felony involving a breach of public trust shall be subject to forfeiture of rights and privileges under a public retirement system or pension plan in such manner as may be provided by law.

(e) No member of the legislature or statewide elected officer shall personally represent another person or entity for compensation before the government body or agency of which the individual was an officer or member for a period of two years following vacation of office. No member of the legislature shall personally represent another person or entity for compensation during term of office before any state agency other than judicial tribunals. Similar restrictions on other public officers and employees may be established by law.

(f) There shall be an independent commission to conduct investigations and make public reports on all complaints concerning breach of public trust by public officers or employees not within the jurisdiction of the judicial qualifications commission.

(g) This section shall not be construed to limit disclosures and prohibitions which may be established by law to preserve the public trust and avoid conflicts between public duties and private interests.

(h) Schedule—On the effective date of this amendment and until changed by law:

(1) Full and public disclosure of financial interests shall mean filing with the secretary of state by July 1 of each year a sworn statement showing net worth and identifying each asset and liability in excess of \$1,000 and its value together with one of the following:

a. A copy of the person's most recent federal income tax return; or

b. A sworn statement which identifies each separate source and amount of income which exceeds \$1,000. The forms for such source disclosure and the rules under which they are to be filed shall be prescribed by the independent commission established in subsection (f), and such rules shall include disclosure of secondary sources of income.

(2) Persons holding statewide elective offices shall also file disclosure of their financial interests pursuant to subsection (h)(1).

(3) The independent commission provided for in subsection (f) shall mean the Florida Commission on Ethics.

History.—Proposed by Initiative Petition filed with the Secretary of State July 29, 1976; adopted 1976.

Each Probate Judge, Sheriff, and the Clerk and Register of the Circuit Court is required by law to preserve this slip or pamphlet in a book kept in his office until the Act is published in permanent form.

ALABAMA LAW

(Regular Session, 1975)

Act No. 130

H. 240—Manley, Crowe, Carothers, Burgess, Tengue, Biddle, Cafford, Sasser, Clark, Baker, Whatley, Wyatt, Williams, Smith (J), Cates, Holley, Reed, Quarles, Dial, McCluskey, Sandusky, Folmar, Glass, Kennedy, Cooper, LeFlore, White, Boles, Johnstone, Shelton, Jolly, Armstrong, Weeks, Smith (M), Plaster, Malone, Starkey, Moore (O), Trammell

AN ACT

To amend and re-enact Act No. 1050, S. 1, Regular Session 1973 (Acts 1973, pg. 1699); entitled, An Act to establish a state ethics commission and to provide a state ethics law, which: requires disclosures of certain economic interests and certain family connections to be filed by state officials and certain state employees and by persons having certain business dealings with the state or its agencies or instrumentalities, proscribes certain practices by state officials and employees which conflict with the proper safeguarding of the public trust; requires the registration of persons engaged in activities designed to influence legislation and the making of certain reports by such persons and otherwise regulate such activities of such persons; prescribes penalties; provides for the enforcement of this Act; prescribes the powers and duties of the ethics commission; and authorizes the commission to prescribe, promulgate and enforce rules, consonant with this law, to govern activities and disclosures by county and municipal officials needed to safeguard the public trust in such governmental units, so as to amend the title and certain sections; to eliminate Section 14; and to renumber certain sections.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 1056, S. 1, Regular Session 1973 (Acts 1973, pg. 1699) is hereby amended and re-enacted to read as follows:

"AN ACT

"To establish a state ethics commission and to provide a state ethics law, which: Requires disclosure of certain economic interests and certain family connections to be filed by candidates for public offices, public officials and employees, and by

persons having certain business dealings with the state, a county or municipality or its agencies or instrumentalities; proscribes certain practices by public officials and employees which conflict with the proper safeguarding of the public trust; requires the registration of persons engaged in activities designed to influence legislation and the making of certain reports by such persons and otherwise regulates such activities of such persons; prescribes penalties; provides for the enforcement of this act; prescribes the powers and duties of the ethics commission; and authorizes the commission to prescribe, promulgate and enforce rules, consonant with this law, to govern activities and disclosures by public officials and employees needed to safeguard the public trust in such governmental units.

"BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

"SECTION 1.

"(a) It is essential to the proper operation of democratic government that public officials be independent and impartial; that governmental decisions and policy be made in the proper channels of the governmental structure; that public office not be used for private gain other than the remuneration provided by law; and that there be public confidence in the integrity of government. The attainment of one or more of these ends is impaired whenever there exists a conflict between the private interests of an elected official or a government employee and his duties as such. The public interest, herefore, requires that the law protect against such conflicts of interest and establish appropriate ethical standards with respect to the conduct of elected officials and government employees in situations where conflicts exist.

"(b) It is also essential to the proper operation of government that those best qualified be encouraged to serve the government. Accordingly, legal safeguards against conflicts of interest must be so designed as not unnecessarily or unreasonably to impede the recruitment and retention by the government of those men and women who are best qualified to serve it. An essential principle underlying the staffing of our government structure is that its elected officials and employees should not be denied the opportunity, available to all other citizens, to acquire and retain private economic and other interests, except where conflicts with the responsibility of such elected officials and employees to the public cannot be avoided.

"(c) Also, the legislature hereby declares that the operation of responsible democratic government requires that the

fullest opportunity be afforded to the people to petition their government for the redress of grievances and to express freely to individual members of the legislature, to committees of the legislature, and to officials of the executive branch, their opinions on legislation, on pending executive actions and on current issues; and that, to preserve and maintain the integrity of the legislative and administrative processes, it is necessary that the identity, expenditures and activities of certain persons who engage in efforts to persuade members of the legislature or the executive branch to take specific actions, either by direct communication to such officials, or by solicitation of others to engage in such efforts, be publicly and regularly disclosed. The provisions of this Act shall be liberally construed to promote complete disclosure of all such information and so as to assure that the public interest will be fully protected.

"(d) It is the policy and purpose of this Act to implement these objectives of protecting the integrity of all governmental units of this state and of facilitating the recruitment and retention of qualified personnel by prescribing essential restrictions against conflicts of interest in state government without creating unnecessary barriers to the public service.

"SECTION 2. Whenever used in this Act, the following words and terms shall have the following respective meanings unless the context clearly indicates otherwise:

"(a) "Business" means any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, and any other legal entity.

"(b) "Business with which he is associated" means any business of which the person or a member of his family, is an officer, owner, partner, employee or holder of more than 10% of the fair market value of such business.

"(c) "Candidate for public office" means any person who has filed a declaration of candidacy or a petition to appear on the ballot for election as a public official, and any person who has been nominated for appointment to serve as a public official.

"(d) "Commission" means the State Ethics Commission.

"(e) "Legislative employee" means any person employed by the legislature or by any of its committees and any person employed by a legislator from funds provided by the state, who receives compensation of \$12,000 or more per year.

"(f) "Lobbying" means the practice of promoting or opposing the introduction or enactment of legislation before

the Legislature or the legislative committees or the members thereof, and shall also include the practice of promoting or opposing executive approval of legislation.

"(g) "Lobbyist" means all persons who seek to encourage the passage, defeat, or modification of any legislation, except members of the Alabama Legislature or any person who, on an isolated basis and without the intent to continue beyond a single day during a session of the Alabama Legislature, merely appears before a committee or committees of the Legislature in his individual capacity, or on behalf of a corporation, partnership, association or other business entity, with which such person is regularly associated as an employee, officer, member or partner without receiving additional salary or compensation other than reasonable and ordinary travel expenses, to express support or opposition to any legislation, and who shall so declare to a member, members or committee of the legislature with whom he discusses any proposed legislation.

"(h) "Reporting Year" means the reporting official's or employee's fiscal tax year as it applies to his United States Income Tax Return(s).

"(i) 'Public Employee' means any employee of state, county or municipal governments who has administrative and discretionary authority for the receipt or expenditures of public funds or *who earns in excess of \$15,000 annually* but shall not include those persons who are primarily engaged in teaching duties in all schools, colleges, and universities in the State.

"(j) "Public Employee's Family" means the employee's spouse and dependents.

"(k) "Public Official" means any elected official at the state, county, or municipal level of government and any person appointed under state, county, or municipal law to an office where in the conduct of such office such person has administrative and discretionary authority for the receipt or expenditure of public funds. This definition shall also include members of state boards, commissions, committees, councils and authorities, however selected, Presidents, Vice-Presidents, Chief Purchasing Officials and Chief Financial Officials of all schools, colleges and universities of the State; members of ~~city~~ and county industrial boards, planning and zoning boards, school boards, boards of adjustment, utility boards, housing boards, public hospital boards, and any boards, commissions, committees, authorities or councils having jurisdiction with respect thereof, in ~~all cities whose population is more than 15,000 according to the last decennial census.~~ This definition excludes members of all other

boards not named including but not limited to those commissions, committees, councils, boards of authorities, functioning solely for cultural or historical purposes and advisory board members and members of boards of trustees of institutions of higher learning of the State of Alabama.

"(l) "Public Official's Family" means the official's spouse and dependents.

"SECTION 3.

"(a) No public official or employee shall use an official position or office to obtain direct personal financial gain for himself, or his family, or any business with which he or a member of his family is associated unless such use and gain are specifically authorized by law.

"(b) Unless prohibited by the Alabama Constitution, nothing herein shall be construed to prohibit a legislator from introducing bills and resolutions, serving on committees or from making statements or taking action in the exercise of his legislative duties.

"SECTION 4. No person shall offer to or give to a public official or employee or his family, and none of the aforementioned shall solicit or receive anything of value, including a gift, favor or service or a promise of future employment, based on any understanding that the vote, official actions, decisions, or judgment of the intended recipient or family member would be influenced thereby. Expenses associated with social occasions afforded public officials and employees shall not be deemed a thing of value within the meaning of this section or prohibited hereby.

"SECTION 5. No public official or employee or his family shall solicit or receive any money in addition to that received by the official or employee in his official capacity for advice or assistance on matters concerning the legislature, an executive department, or any public regulatory board, commission or other body. No public official or employee or business with which he is associated shall receive any fee, salary, wages or other compensation for services provided to the State or any of its agencies or to any County, or City or institutionalities thereof unless a disclosure statement provided for this section shall be filed with the Commission by the person rendering the services. The statement shall include the following information: (1) The name of the employer (2) the amount of the compensation received for the employment and (3) the date of employment.

"SECTION 6. No public official or employee shall use or

disclose confidential information gained in the course of or by reason of his position or employment in any way that could result in financial gain other than his regular salary as such state officer for himself, his family, or for any other person.

"SECTION 7. Unless expressly provided otherwise by law no person shall serve as a member or employee of a state, county or city regulatory board or commission or other body that regulates any business with which he is associated.

"SECTION 8. If a public official or employee, or member of his family, or a business with which any of them is associated, shall for a fee represent a client or constituent before any quasi-judicial board or commission, governmental regulatory agency or executive department or agency, notice of such representation must be given within five days after the first day of such appearance to the State Ethics Commission in the manner prescribed by the commission. Provided, that no member of the Legislature shall for a fee, reward or other compensation represent any person, firm or corporation before the Public Service Commission or the State Board of Adjustment.

"SECTION 9. (a) Unless exempted under Alabama Competitive bid laws or otherwise permitted to do so under law, no public official or employee, or a member of his family, and no business with which any of them is associated shall enter into any contract to provide goods or services which is to be paid in whole or in part out of state, county or municipal funds unless the contract has been awarded through a process of public notice and competitive bidding and a copy of such contract is filed with the commission. Provided, however, all such contract awards shall be made as a result of original bid takings and no awards from negotiations after bidding shall be allowed. A copy of each contract regardless of the amount, entered into by a public official, employee, family member, and any business with which any of them is associated, shall be filed with the State Ethics Commission.

"SECTION 10. No person shall offer or give to a member or employee of a governmental agency, board or commission that regulates a business with which such person is associated, and no member or employee of a governmental regulatory agency, board or commission shall solicit or accept from any such person anything of value including a promise of future employment or a favor or service while the member or employee is associated with the regulatory agency, board or commission. However, expenses associated with social entertainment afforded members and employees shall not be deemed a thing of value within the meaning of this section.

"SECTION 11. No former state official or employee shall serve for a fee as a lobbyist or represent clients before the body of which he is a former member or employee for a period of three years after he leaves such membership or employment, unless notice of such representation is given within five days after such appearance to the State Ethics Commission in the manner prescribed by the commission; furthermore, no former public official or employee shall enter into a contract with any governmental agencies unless within five days of entering into said contract notice is filed with the commission of his previous status as a public official or employee and a copy of the contract provided.

"SECTION 12.

"(a) No person elected or employed to serve as a public official or employee shall be allowed to take the oath of office or enter upon his duties unless he has previously filed a statement of economic interests in accordance with the provisions of this Act at the office of the State Ethics Commission. Such statement shall be made on a form provided by the commission and shall contain the following information on the person making such filing:

"1. Name, residential address, business; name and address of living spouse, minor and dependent children, adult children, parents, brothers, and sisters, and to the best of his knowledge the principal occupation of each of these persons.

"2. A list of occupation(s) to which one-third or more of working time was given during previous reporting year by the filing official or employee and spouse;

"3. A listing of total combined family income of the public official or employee during the most recent reporting year as to income from salaries, fees, dividends, profits, commissions, and other compensation from any business doing business in Alabama and listing the names of each business and the income derived from such business in the following categorical amounts: less than \$1,000; at least \$1,000 and less than \$10,000; \$10,000 or more. Further, the person reporting shall name any business or subsidiary thereof in which he or his spouse or dependents, jointly or severally, own one-tenth or more of the stock or in which he or his spouse serves as an officer, director, trustee, or consultant where such service provides income of more than \$1,000 for the reporting period;

"4. If the filing public official or employee, or his spouse, has engaged in a business during the last reporting year which

provide, legal, accounting, medical, or health related, real estate, banking, insurance, educational, farming, engineering, architectural management, or other professional services or consultations; then the filing party shall report the number of clients of such business in each of the following categories and the income in categorical amounts received during the reporting period from the combined number of clients in each category: electric utilities, gas utilities, telephone utilities, water utilities, cable television companies, intrastate transportation companies, pipe line companies, oil and/or gas exploration companies, oil and gas retail companies, banks, savings and loan associations, loan and/or finance companies, manufacturing firms, mining companies, life insurance companies, casualty insurance companies, other insurance companies, retail companies, beer, wine, and/or liquor companies or distributors, trade associations, professional associations, governmental associations, associations of public employees or public officials, counties and any other businesses or associations that the commission may deem appropriate. Amounts received from combined clients in each category shall be reported as: less than \$1,000; more than \$1,000 but less than \$10,000; \$10,000 or above;

"5. If retainers are in existence or contracted for in any of the above categories of clients, a listing of the categories along with the anticipated income to be expected annually from each category of clients shall be shown in the following amounts: less than \$1,250; \$1,250 or more;

"6. If real estate that is held for investment or is revenue producing is held by a public official, his spouse or dependents, then a listing thereof by the following categories of fair market value: under \$50,000; at least \$50,000 but less than \$250,000; \$250,000 or more; and the following categories of annual gross rent and lease income on real estate: less than \$10,000; at least \$10,000; at least \$10,000 and less than \$50,000; \$50,000 or more. Furthermore, if a public official or a business in which he is associated receives rent or lease income from any governmental agency in Alabama, specific details of the lease or rent agreement shall be filed with the commission;

"7. A listing of indebtedness to businesses operating in Alabama showing types and number of each as follows: banks, savings and loan associations, insurance companies, mortgage firms, and stock brokers (The commission shall add additional categories as it deems necessary); and the indebtedness to combined organizations in each category in amounts as follows: less than \$25,000; \$25,000 but less than \$50,000; \$50,000 but less than \$100,000; \$100,000 or more. Indebtedness associated

with the homestead of the person filing is exempted from this disclosure requirement. Filing required by subsections of this section shall reflect information and facts in existence at the end of the reporting year. In the event that said information required herein is not filed as required the commission shall notify the public official or employee concerned as to his failure to so file and the public official shall have 10 days to file said report after receipt of said notification.

"(b). After the original filing of the above prescribed statement(s) each person shall make additional subsequent filing within 90 days after the termination of each succeeding reporting year. Filings required by subsections 5, 6 and 7 of this section shall reflect information and facts in existence at the end of the reporting year.

SECTION 13. Within 10 days after he becomes a candidate for state office, each candidate shall file a statement of economic interests as prescribed by the commission and in keeping with this Act at the office of the State Ethics Commission.

"(a) Each official who receives a declaration of candidacy or petition to appear on the ballot for election as a state official and each official who nominates a person to serve as a state official shall, within five days of such receipt or nomination, notify the State Ethics Commission of the name of each new candidate for state office as defined in this Act, and the date on which such person became a candidate.

"(b) The State Ethics Commission shall notify such official and, in the case of candidates for appointive office, the clerk or secretary of the body that will approve or disapprove the nomination, of the name of each candidate who files a statement of economic interests at the office of the commission and of the date on which such statement was filed.

"(c) Other provisions of the law notwithstanding, if a candidate for elective public office does not submit a statement of economic interests in accordance with the requirements of this Act within ten days after he becomes a candidate, his name shall not appear on the ballot. However, the State Ethics Commission may in its discretion allow the candidate an additional five days to file such statement of economic interests because of mistake, omission, error or other good cause.

"(d) If a person who becomes a candidate for appointive public office by nomination fails to file a statement of economic interests in accordance with the provisions of this Act within ten days after such nomination, the nomination shall not be

approved or ratified until at least ten days after he has filed such statement of economic interests.

SECTION 14.

"(a) When any citizen of the State or business with which he is associated represents for a fee any person before a state regulatory agency or commission or department of the executive branch, he shall report to the State Ethics Commission the name of any adult child, parent, spouse, brother or sister who is an official or an employee of that state regulatory agency or commission or department of the executive branch.

"(b) When any citizen of the State or business with which he is associated enters into a contract for the sale of goods or services to the State of Alabama or any of its agencies in amounts exceeding \$1,000, he shall report to the State Ethics Commission the names of any adult child, parent, spouse, brother or sister who is an official or employee of the agency or department with whom the contract is made. However, this section shall not apply to any contract for the sale of goods or services awarded through a process of public notice and competitive bidding.

"(c) Each regulatory agency, commission or department of the executive branch or any agency of the State of Alabama shall be responsible for notifying citizens affected by this act of the requirements of this provision.

SECTION 15.

"(a) Every governmental agency head shall file reports with the commission on any matters that come to his attention which may constitute a violation of this Act.

"(b) Governmental agency heads shall cooperate in every possible manner in connection with any investigation or hearing, public or private, which may be conducted by the commission.

"(c) The commission shall prepare and publish, prior to the implementation of this Act, procedures for review or appeal of any action taken against or in regard to any person covered in this Act.

SECTION 16.

"(a) There is hereby created a State Ethics Commission which shall be composed of five members, each of whom shall be a fair, equitable citizen of this state and of high moral character. No member of the commission shall be eligible for

appointment to succeed himself. The members of such commission shall be appointed by the following officers: the Governor, the Lieutenant-Governor, and the Speaker of the House of Representatives and shall assume their duties upon confirmation by the Senate. The members of the first commission shall be appointed for terms of office expiring one, two, three, four and five years, respectively, from September 1, 1975. Successors to the members of this first commission shall each be appointed for terms of five years and until their successors are appointed and have qualified. If at any time there should be a vacancy on the commission, a successor member to serve for the unexpired term applicable to such vacancy shall be appointed by the Governor. The commission shall elect one member to serve as chairman of the commission and one member to serve as vice chairman. The vice chairman shall act as chairman in the absence or disability of the chairman or in the event of a vacancy in that office. As soon as all the members of the board have been appointed the Governor shall call and provide for the holding of an organizational meeting of the commission.

"(b) A vacancy in the commission shall not impair the right of the remaining members to exercise all the powers of the commission and three members thereof shall constitute a quorum.

"(c) The commission shall at the close of each fiscal year report to the legislature and the Governor concerning the action it has taken; the names, salaries, and duties of all individuals in its employ and the monies it has disbursed; and shall make such further reports on the matters within its jurisdiction and such recommendations for further legislation as may appear desirable.

"(d) Members of the Commission shall, while serving on the business of the commission, be entitled to receive compensation at the rate of \$50 per day, and each such member shall be paid the actual and necessary expenses incurred in the performance of his duties as a member of the commission when approved by the chairman thereof.

"(e) All members, officers, agents, attorneys, and employees of the commission shall be subject to the provisions of this Act and also to the provisions of law prohibiting political activities by state employees.

"(f) The commission shall appoint an Executive Director and such other staff as needed. All such appointees shall serve at the pleasure of the commission. All such employees

except for the Executive Director, shall be employed subject to the provisions of the state merit system law, and their compensation shall be prescribed pursuant to such law. The compensation of the Executive Director shall be fixed by the Commission, but shall not exceed \$25,000 per year. The Executive Director shall be responsible for the administrative operations of the commission and shall perform such other duties as may be delegated or assigned to him from time to time by regulation or order of the commission. However, the commission shall not delegate the making of regulations to the Executive Director. The commission may require the Executive Director to draft regulations but no regulation shall be implemented by the Executive Director until adopted by the commission members.

"(g). The commission is hereby authorized, when in its discretion the ends of justice will be thereby served, to waive any rule or regulation presented relative to any disclosure statement, provided such waiver is done in writing stating the reason why and made a part of the public record.

"(h) No person heretofore appointed to the Ethics Commission pursuant to Act No. 1056, S-1, Regular Session of 1973 shall be eligible for appointment or membership of the commission after the effective date of this act.

SECTION 17. It shall be the duty of the commission:

"(a) To prescribe forms for statements required to be filed by this Act, and to furnish such forms to persons required to file such statements;

"(b) To prepare and publish a manual setting forth recommended uniform methods of reporting for use by persons required to file statements required by this Act;

"(c) To accept and file any information voluntarily supplied that exceeds the requirements of this Act;

"(d) To develop a filing, coding, and cross-indexing system consonant with the purposes of this Act;

"(e) To make reports and statements filed with it available at reasonable hours to responsible public inquiry subject to such regulations as the commission may prescribe including, but not limited to regulations requiring identification by name, occupation, address and telephone number of each such person examining information on file with the commission. However, no copies of reports and statements will be removed from the office of the State Ethics Commission.

"(f) To preserve such reports and statements for a period of six years from date of receipt;

"(g) To make investigations with respect to statements filed under the provisions of this Act, and with respect to alleged failures to file any statement required under the provisions of this Act and, upon complaint by any individual with respect to alleged violation of any part of this Act; and whenever in its opinion a thorough audit of any person or any business should be made in order to determine whether this Act has been violated, the commission shall direct the Examiner of Public Accounts to have such audit made and a report thereof filed with the commission. The Examiner of Public Accounts shall upon receipt of such directive immediately comply therewith;

"(h) To report suspected violations of law to the appropriate law enforcement authorities;

"(i) To issue, upon request and publish advisory opinions on the requirements of this Act, based on a real or hypothetical set of circumstances. The written opinion of the State Ethics Commission provided to anyone shall protect such person to whom it is directed from liability to either the state, county, or municipal sub-division of the state because of any official action or actions performed as directed or advised in such opinion.

"(ii) To initiate and continue programs for the purpose of educating candidates, officials, employees and citizens of Alabama on matters of ethics in government service.

"(j) To prescribe, publish and enforce rules and regulations to carry out the provisions of this Act. No such rules and regulations, however, shall be adopted until notice thereof is given by publication at least thirty days prior to the date set for adoption thereof and an opportunity afforded to the public to appear and contest such rules and regulations. The commission is authorized only to make rules and regulations on the subject matter specifically mentioned in this Act.

"(k) After the commission has been organized pursuant to this Act and has prescribed the rules and regulations and adopted and promulgated such rules and regulations, it shall give notice for sixty days prior thereto of the day on which such rules and regulations shall become effective throughout this state and other provisions of this Act shall be thereby implemented.

"(l) No member nor employees of said commission shall make any public statement or give out any information concern-

ing any complaint against any individual until the investigation of said complaint is completed and the commission has taken final action as to the disposition of said complaint. Any member or employee of said commission who violates the provisions of this section shall be guilty of a misdemeanor and upon conviction be sentenced to the county jail for one year or be fined up to \$1,000, or both.

"(m) In all matters that come before the commission concerning a complaint on an individual the laws of due process shall be strictly adhered to.

SECTION 18.

"(a) Every person employed or retained as a lobbyist shall register by filing a form prescribed by the commission within five (5) days after the first undertaking requiring registration.

"(b) The registration shall be written, verified, and shall contain, but not be limited to, the following information:

"(1) the registrant's full name and address;

"(2) the registrant's normal business and business address;

"(3) the full name and address of the registrant's principal(s);

"(4) a listing of the categories of subject matters on which the registrant is to communicate directly with a member of the legislative or executive branch to influence legislation or executive action;

"(5) if a registrant's activities are done on behalf of the members of a group other than a corporation, the registration form shall include a categorical disclosure of the number of members of the group as follows: 1-5; 6-10; 11-25; over 25;

"(6) a statement signed by the principal(s) that he has or they have read the registration, knows its contents, and has authorized the registrant to be a lobbyist in his or their behalf as specified therein and that no compensation will be paid to the registrant contingent upon passage or defeat of such measure(s).

"(c) A registrant shall file a supplemental registration indicating any substantial change in the information contained in the prior registration within 10 days after the date of the change.

SECTION 19. Every person registered under Section 18 of

this Act and every principal employing such lobbyist shall file with the commission a sworn statement concerning the activities set out in said section. The report must be filed between the 1st and 15th day of each month succeeding a month in which the legislature is in session covering the activities during the previous month. The report shall be written, verified, and contain, but not be limited to, the following information:

"(1) All amounts received or expended directly or indirectly for the purpose of carrying on lobbying activities in the following categories: Less than \$1,000; \$1,000-\$3,000; more than \$3,000; but need not include amounts received by such lobbyist for his personal living expenses nor amounts received which are reportable as income to him for federal tax purposes unless his contract of employment provides that amounts received for such expenses or as such income may or shall be used for carrying on lobbying activities;

"(2) A detailed statement of any money loaned or promised to legislators or to anyone on their behalf;

"(3) A statement detailing the extent of any direct business association or partnership with any current member of the legislature or public official or employee;

"(4) A list of legislation by category supported or opposed by the registrant, by any person retained or employed by the registrant to appear on his behalf, or by any other person appearing on his behalf.

"SECTION 20.

"(a) A person who ceases to engage in activities requiring him to register under Section 18 of this Act shall file a written, verified statement with the commission acknowledging the termination of activities. The notice is effective immediately.

"(b) A person who files a notice of termination under this section must file the reports required under Section 18 and 19 of this Act for any reporting period during which he was registered under this Act.

"SECTION 21. All reports filed under Sections 18, 19 and 20 of this Act are public records and shall be made available for public inspection during regular business hours.

"SECTION 22. No person, for the purpose of influencing legislation, may

"(1) knowingly or willfully make any false statement or

misrepresentation of the facts to a member of the legislative or executive branch; or

"(2) knowing a document to contain a false statement, cause a copy of the document to be received by a member of the legislative or executive branch without notifying such member in writing of the truth.

"SECTION 23. The provisions of Section 18, 19, 20, 21 and 22 shall not be construed as affecting professional services in drafting bills or in advising clients and in rendering opinions as to the construction and effect of proposed or pending legislation where such professional service is not otherwise connected with legislative action.

"SECTION 24. Nothing in the provisions of this Act shall be construed as to deprive any citizen not lobbying for hire of his constitutional right to communicate with members of the Legislature.

"SECTION 25.

"(a) Any person who violates any provision of this Act and is found guilty shall be fined not more than \$10,000 or be imprisoned for not more than 10 years or both.

"(b) All prosecutions for violations of this Act shall be initiated and prosecuted by the attorney general of the state or by the district attorney having jurisdiction of the offense.

"(c) The penalties prescribed in this Act do not limit the power of either house of the legislature to discipline its own members or to impeach public officials, and do not limit the powers of agencies or commissions to discipline their respective officials or employees.

"(d) The circuit courts of this state shall have jurisdiction of all cases and actions relative to violations or the enforcement of this Act; and the venue of any suit or action under this Act shall be in the county of the residence of the defendant.

"(e) Nothing in this Act is intended to, nor is to be construed as repealing in any way the provisions of any of the criminal laws of this state.

"SECTION 26. Any person who knowingly and intentionally files a false complaint with the commission, or any member of the commission who initiates action against any state official, state employee, or any other person covered by this Act, knowing such complaint to be false or inaccurate shall be guilty of the crime of malicious prosecution.

"Whoever is convicted in a court of competent jurisdiction of the crime of malicious prosecution, in addition to any other punishment prescribed by law therefor, shall also be required by court decree to reimburse the person against whom the false complaint was filed for all of his legal expenses and any other expenses incurred in relation to the accused defending himself against the false complaint. If such complaint is filed within 6 months prior to an election in which the accused's name appears on the ballot, the person filing the false complaint shall pay to the accused the amount set out above, plus an equal amount to the general fund of the state.

"If any person, accused of violating this Article is acquitted upon trial, then such person may, in the discretion of the court or jury, recover in an action at law from the person who brought the charge against him a sum equal to three times the damages thereby caused.

"SECTION 27. No former member of the House of Representatives or the Senate of the State of Alabama shall be extended floor privileges of either body in a lobbying capacity.

"SECTION 28. The Legislature shall appropriate such sums as it deems necessary to implement the provisions of this Act.

"SECTION 29. Any citizen wishing to file a complaint against any public official or employee covered by this Act shall initially file said complaint with the Commission. If the Commission does not take proper action within forty-five days, then he said citizen may file the said complaint with the Attorney General or other officers authorized to enforce this Act.

"SECTION 30. The provisions of this Act are severable. If any part thereof is declared unconstitutional, such declaration shall not affect the part which remains.

"SECTION 31. This Act shall be construed in pari materia with other laws dealing with the subject matter hereof, and repeals all laws and parts of laws in conflict herewith.

"SECTION 32. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Passed, the Governor's veto to the contrary notwithstanding on August 7, 1975.

I hereby certify that the foregoing copy of an Act of the

18

Legislature of Alabama has been compared with the enrolled Act
and it is a true and correct copy thereof.

Given under my hand this 14th day of August, 1975.

JOHN W. FEMBERTON
Clerk of the House



Alaska State Legislature

House of Representatives

Committee on State Affairs

Official Business

Pouch V
State Capitol
Juneau, Alaska 99811

AGENDA

H.B. 153 (COMMISSION ON GOVT. ETHICS)
TELECONFERENCE WITH NCSL
MARCH 6, 1981
3:00 - 5:00 p.m. PST

- 3:00 - 3:10 p.m. Introduction to program
- Andrea Wollock, National Conference of State Legislatures moderator
 - Mike Miller, Chairman, House State Affairs Committee
- 3:10 - 3:25 p.m. California ethics law
- Bob Stern, General Counsel, California Fair Political Practices Commission
- 3:25 - 3:40 p.m. Florida ethics law
- Representative Bill Sadowski, Florida House of Representatives
- 3:40 - 3:55 p.m. Alabama ethics law
- Representative Richard S. Manley, Alabama House Speaker Pro Tem and primary sponsor of present ethics law
- 3:55 - 5:00 p.m. Questions and answers. Opportunity for testimony from Alaskan citizens.

BIOGRAPHY

Robert M. Stern has been General Counsel of the Fair Political Practices Commission since January 7, 1975, the date the Political Reform Act became law. The Fair Political Practices Commission regulates laws covering campaign disclosure, lobbying and conflicts of interest. For a year, he served as Acting Enforcement Director of the Commission.

Prior to joining the staff of the Commission, he was Elections Counsel to Secretary of State Edmund G. Brown, Jr. For two years, he was the Counsel to the Assembly Elections and Reapportionment Committee of the California State Legislature. He attended Pomona College, American University and received his law degree from Stanford Law School.

He serves on the Steering Committee of the Council on Governmental Ethics Laws, an organization of 40 state and federal governmental agencies which regulate campaign disclosure, ethics and lobbying laws.

He has appeared as a lecturer and panelist before groups such as:

- 1) a Congressional committee which was examining the Federal Election Commission;
- 2) the New Jersey Election Law Enforcement Commission which was developing lobbyist regulations;
- 3) the Continuing Education of the Bar which video-taped a program on the Political Reform Act.

BILL SADOWSKI
FLORIDA HOUSE OF REPRESENTATIVES

Bill Sadowski is Chairman of the House Regulatory Reform Committee. He was first elected to the Florida Legislature in 1976 and represents a district of the City of Miami. In 1979, the Petersburg Times named Sadowski the "Most Valuable Member" of the Florida House. He is a lawyer and graduated from the University of Florida College of Law in 1969.

REPRESENTATIVE RICHARD S. MANLEY

Representative Richard S. Manley is Speaker Pro Tem of the Alabama House of Representatives. He is chairman of the House Judiciary Committee and a member of the House Constitution and Elections Committee. He is serving his fifth term in the Alabama House.

Representative Manley was the primary sponsor of the present ethics law, enacted in 1975. He is a graduate of the University of Alabama Law School and is active in a variety of civic activities.

RICHARD S. (RICK) MANLEY

January 1, 1979

Born June 23, 1932, in Birmingham, Alabama, and 46 years of age. A native of Epes in Sumter County, Alabama, and a graduate of Livingston High School, Livingston, Alabama, in June, 1949. Parents were the late Dr. and Mrs. Richard S. Manley of Epes, Alabama.

Married to the former Rosemary Rankin Moseley of Tuscaloosa, Alabama. Three children, Richard Shannon Manley, Jr., 24, born Quantico, Virginia January 16, 1955, a 1977 graduate of Vanderbilt University and now a Lt. in the U.S. Marine Corps; Alyce Hughes Manley, 21, born Tuscaloosa, Alabama, January 18, 1958, and a Junior at Vanderbilt University; and a step-son, Brian K. Moseley, eight years of age.

Entered The University of Alabama in Fall of 1949, and graduated June, 1953, with B.S. Degree from School of Commerce and Business Administration. Served in the U.S. Marine Corps from 1953 to 1956 and currently holds the rank of Colonel in the Marine Reserve. Entered Law School at The University of Alabama in July, 1956, and graduated with an LL.B. Degree in August, 1958.

PROFESSIONAL ACTIVITIES

Licensed to practice in all Alabama State Courts, in all U.S. District Courts in Alabama, U.S. Fifth Circuit Court of Appeals, and the U. S. Supreme Court.

A graduate of the U.S. Naval Justice School, Newport, Rhode Island, and licensed to practice before the U.S. Court of Military Appeals, the highest military court.

Secretary-Treasurer of the Alabama State Junior Bar Association, 1962-'63. Member, Board of Commissioners, Alabama State Bar Association, 1972 to date. President, 17th Judicial Circuit Bar Association, 1969; Vice President, 1968, and Secretary-Treasurer, 1967.

Member of the Judicial Article Implementation Advisory Commission

Member of the Alabama State Bar Association

Member of the American Bar Association

Member of the American Trial Lawyers Association

Member of the Commercial Law League of America

Member of the American Judicature Society

Member of Phi Delta Phi Legal Fraternity

Member of Farrah Law Society

Member of the Supreme Courts Standing Committee on Alabama Rules of Civil Procedure for the term ending January 1, 1981

Vice-Chairman of Alabama State Bar Committee for Revision of the Alabama Code, 1975.

Member, Permanent Study Commission on Alabama's Judicial System, 1975 to date

RELIGIOUS ACTIVITIES

Member of the First United Methodist Church, Demopolis

Past Church Lay Leader and Sunday School Superintendent

Trustee for the Demopolis District, Alabama-West Florida Conference of the Methodist Church, 1962-1972.

LEGISLATIVE ACTIVITIES

Member, Alabama House of Representatives, District 27 representing Marengo, Perry, and Sumter counties, 1967-1970. Served as a member of the Judiciary, Insurance and Conservation Committees.

Re-elected to serve 1971-1975 in Alabama House of Representatives. Served on Judiciary, Constitution and Elections, Highway Safety, and Local Legislation Committees for the 1971-1975 term.

Re-elected to Alabama House of Representatives for 1975-1979 term from District # 87, representing Greene, Hale, Marengo and Sumter counties. Served as Chairman of the Judiciary Committee and a member of Commerce and Transportation Committee.

Re-elected to Alabama House of Representatives for 1979-1983 term from District #87 representing Greene, Hale, Marengo and Sumter Counties. Serving as Chairman of the Judiciary Committee and a member of the Committee on Constitution and Elections. Also, elected by the membership of the House as Speaker Pro Tem for the 1979-1983 term.

Member of the Legislative Council, 1974 to date

Chairman, Alabama Legislative 1975 Interim Code Committee

Vice-Chairman, 1977 Legislative Interim Committee for Probate Code Revision

Member of Special Interim Committee on Revenue created during the 1969 Regular Session.

Member, Environmental Land and Water Management Committee created by the 1973 Legislature.

Selected by the Capitol Press Corps as the Most Effective member of the House of Representatives for the 1975 Session.

CIVIC ACTIVITIES

Vice President, Alabama Jaycees, 1959-1960

President, Demopolis Jaycees, 1960-1961

Director of the United States Jaycees, 1961-1962

Junior Chamber International Senator # 10122

President, Demopolis Chamber of Commerce, 1962-1963, served 4 years as a member of the Board of Directors

President, Demopolis Country Club, 1965-1966, Board of Directors, 1963-1966

President, 1969-1970; Demopolis City Board of Education, and served for five years on the Board

Member of the Demopolis Rotary Club

Board of Directors, Marengo County Historical Society, Inc., 1966-1972

Member of the Board of Advisors, Alabama Historical Commission, 1967-1972

Director, Marengo County Mental Health Association, 1966-1971

Director, Marengo County Association for Brain Injured Children, 1971-1973

Demopolis City Planning Commission, Member and Secretary. 1960-1968

MISCELLANEOUS ACTIVITIES

One of Alabama's five members on the Tennessee-Tombigbee Waterway Development Authority by appointment of the Governor
 Member, Advisory Board of General Holland M. Smith Memorial
 President, Alabama Chapter, Delta Chi Social Fraternity, 1952-1953
 President, Marengo County, University of Alabama Alumni Club, 1965-1966
 Vice-President, University of Alabama National Alumni Assn., 1967-1968
 Member, Board of Directors, New Southland National Insurance Co., 1969 to date
 Member of the Marine Corps Reserve Officers Association and currently a Colonel in the Reserve Program. Past Commanding Officer, 4th Battalion, 14th Marines, located in Birmingham. This is the largest Marine Reserve Unit in Alabama, with units under the command also located in Chattanooga, Tennessee and Joliet, Illinois. Currently Commanding Officer of MTU-AL-2 in Montgomery, Alabama
 Member, Indian Hills Country Club, Tuscaloosa, Alabama
 Member, North River Yacht Club, Tuscaloosa, Alabama
 Member, The Club, Inc., Birmingham, Alabama
 Member, The Downtown Club, Meridian, Mississippi
 Member, The Demopolis Country Club, Demopolis, Alabama
 Member, Capital City Club, Montgomery, Alabama
 Delegate to Democratic National Convention in New York City, July, 1976

Listed In:

Who's Who in American Politics - 1967
 Outstanding Young Men of America - 1968
 Community Leaders of America - 1968
 Who's Who in Alabama - 1969
 Personalities of the South - 1969
 Two Thousand Men of Achievement - 1969
 Who's Who in the South and Southwest, Vol. #13

Also, Vice Pres., ALA. STATE BAR ASSN. - Elected July, 1971
 to SERVE for ONE Year -

AMENDMENTS TO HB 153 OFFERED BY REP. MEEKINS

39.50.090 Prohibited Acts

(a) A public official or employee may not use his official position or office for the purpose of directly or indirectly obtaining financial gain, employment, services, favors, or any other thing of value for himself, or his spouse, child, mother, father, or business with which he is associated or owns stock.

*Explanation: existing language only makes reference to financial gain

(b) A public official or employee may not solicit, receive or agree to receive a gift, favor, service, employment or any compensation other than provided by law for legislative advice or assistance, or for advice or assistance given in the course of his public employment or relating to his public employment. However, this prohibition does not apply to a chairman or member of a state commission or board or municipal officer if the subject matter of the legislative advice or assistance is not related directly to the function of the commission, board, or municipal body served by the municipal officer; the exception from the general prohibition does not apply to one whose service on a state commission or board constitutes him a full-time state employee under AS 39.

*Explanation: existing language deals only with accepting money for legislative advice or assistance

39.50.090 Prohibited Acts

(h) A public official or employee may not use public equipment or facilities for private business purposes.

(renumber existing sections accordingly)

Consistency in language

24.60.050 Advisory Opinions & 24.60.060 Complaints

Language in these sections refers only to state officials and state employees, while 39.50.090 Prohibited Acts refers to all public officials and employees

Responsibility for administering Chapter 50 of Title 39 (Conflict of Interest) should be delegated to Ethics Commission

24.60.040 Authority of the Commission

Under (a) and (b), delete references to AS 15.13 and AS 24.45

*Explanation: this corrects mistakes in drafting. 15.13 & 24.45 deal with elections and lobbying respectively, and should not fall within the jurisdiction of the Commission

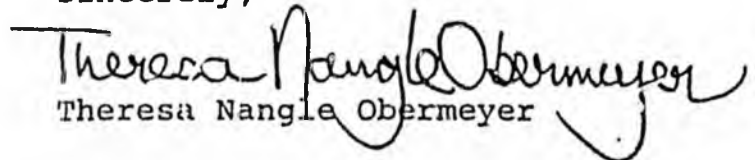
3000 Dartmouth Drive
Anchorage, Alaska 99504
February 16, 1981

Editor
Anchorage Daily News
200 Potter Road
Anchorage, Alaska 99502

Dear Editor:

I am opposed to the concept of a seven member Legislative Commission on Government Ethics with enforcement power granted solely to the Attorney General. I believe at this point in the history of the State of Alaska that this commission would be more of the same, i.e. a politically controlled body which would give lip service to ethics and exist to defend the arbitrary actions of the executive, legislative, and judicial branches of government. I suggest that more power be granted to the citizenry of our state. A clearer way for the people to control the ethics of our elected officials would be the creation of a popularly elected statewide Office of the Attorney General. As our state government is currently structured, the Attorney General is answerable only to the Governor and the state legislators, not the public. After such time as we have an elected Attorney General and a better system of checks and balances is created, consideration could be given to a Commission on Government Ethics.

Sincerely,


Theresa Nangle Obermeyer

PUBLISHED ON FEBRUARY 20, 1981

March 14
2:00 Service Assembly
hearing a Libertarian

John Kestowski

2/25

- Ethics Commission
- ① APOC power
 - ② Fisher's bill creates new Comm.
 - ③ Legislative Commission last option

A★ 29.60.040 - all three laws which APOC administers
 option of going to APOC or legislature
 conflict with AS 15.13

① - Bill doesn't go far enough - repealed
39.50
 ★ no financial disclosure provision (take from APOC)
 - "Conflict of Interest"

② - nothing in bill that authorizes staff & budget
 \$50 per day per diem is ridiculous
 \$200 per day

same power as APOC, but couldn't require reporting - could conduct investigation
 - look at two agencies & pick best
 makes APOC paper collection agency
 power to enforce civil & criminal action

★ Fisher's bill requires complete disclosure of stock
 revolving door section - prevents for two years
 staff penalties working

60% supported public disclosure -
 only 1 community voted to exempt conflict of interest

- put burden on citizen commission - 4 laws
 have to meet at least once a month
 - ^{should be} stated in law about commission meeting
 2 days per month