

1 HB222
2 183899-9
3 By Representative Treadaway
4 RFD: Ethics and Campaign Finance
5 First Read: 14-FEB-17

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ENROLLED, An Act,

To amend Section 36-25-13, as last amended by Act 2016-128, 2016 Regular Session, relating to ethics and public employees, to authorize a municipality to rehire a retired law enforcement officer or firefighter of the municipality at any time if authorized by local law; and to require that notice be given to the Director of the Ethics Commission.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 36-25-13, as last amended by Act 2016-128, 2016 Regular Session, is amended to read as follows:

"§36-25-13.

"(a) No public official shall serve for a fee as a lobbyist or otherwise represent clients, including his or her employer before the board, agency, commission, department, or legislative body, of which he or she is a former member for a period of two years after he or she leaves such membership. For the purposes of this subsection, such prohibition shall not include a former member of the Alabama judiciary who as an attorney represents a client in a legal, non-lobbying capacity.

"(b) Notwithstanding the provisions of subsection (a), no public official elected to a term of office shall serve for a fee as a lobbyist or otherwise represent clients, including his or her employer, before the board, agency,

1 commission, department, or legislative body of which he or she
2 is a former member for a period of two years following the
3 term of office for which he or she was elected, irrespective
4 of whether the member left the office prior to the expiration
5 of the term to which he or she was elected. For the purposes
6 of this subsection, such prohibition shall not include a
7 former member of the Alabama judiciary who as an attorney
8 represents a client in a legal, non-lobbying capacity.

9 "(c) No public employee shall serve for a fee as a
10 lobbyist or otherwise represent clients, including his or her
11 employer before the board, agency, commission, or department,
12 of which he or she is a former employee or worked pursuant to
13 an arrangement such as a consulting agreement, agency
14 transfer, loan, or similar agreement for a period of two years
15 after he or she leaves such employment or working arrangement.
16 For the purposes of this subsection, such prohibition shall
17 not include a former employee of the Alabama judiciary who as
18 an attorney represents a client in a legal, non-lobbying
19 capacity.

20 "(d) Except as specifically set out in this section,
21 no public official, director, assistant director, department
22 or division chief, purchasing or procurement agent having the
23 authority to make purchases, or any person who participates in
24 the negotiation or approval of contracts, grants, or awards or
25 any person who negotiates or approves contracts, grants, or

1 awards shall enter into, solicit, or negotiate a contract,
2 grant, or award with the governmental agency of which the
3 person was a member or employee for a period of two years
4 after he or she leaves the membership or employment of such
5 governmental agency. Notwithstanding the prohibition in this
6 subsection a person serving full-time as the director or a
7 department or division chief who has retired from a
8 governmental agency may enter into a contract with the
9 governmental agency of which the person was an employee for
10 the specific purpose of providing assistance to the
11 governmental agency during the transitional period following
12 retirement, but only if all of the following conditions are
13 met:

14 "(1) The contract does not extend for more than
15 three months following the date of retirement.

16 "(2) The retiree is at all times in compliance with
17 Section 36-27-8.2.

18 "(3) The compensation paid to the retiree through
19 the contract, when combined with the monthly retirement
20 compensation paid to the retiree, does not exceed the gross
21 monthly compensation paid to the retiree on the date of
22 retirement.

23 "(4) The contract is submitted to and approved by
24 the Director of the Ethics Commission as satisfying the above

1 conditions prior to the date the retiree begins work under the
 2 contract.

3 "(e) Notwithstanding subsection (d), a municipality
 4 may rehire a retired law enforcement officer or a retired
 5 firefighter formerly employed by the municipality at any time
 6 to provide public safety services if all of the following
 7 conditions are satisfied:

8 "(1) A local law is enacted authorizing the rehire
 9 of retired law enforcement officers or firefighters formerly
 10 employed by the municipality.

11 "(2) The municipality rehiring a retiree provides a
 12 copy of the local law referenced in subdivision (1) to the
 13 Director of the Ethics Commission.

14 "(3) Upon a determination to rehire a retired law
 15 enforcement officer or firefighter, the municipality
 16 immediately provides notice to the Director of the Ethics
 17 Commission that the former employee is being rehired.

18 ~~"(e)~~ (f) No public official or public employee who
 19 personally participates in the direct regulation, audit, or
 20 investigation of a private business, corporation, partnership,
 21 or individual shall within two years of his or her departure
 22 from such employment solicit or accept employment with such
 23 private business, corporation, partnership, or individual.

24 ~~"(f)~~ (g) No former public official or public employee
 25 of the state may, within two years after termination of office

1 or employment, act as attorney for any person other than
2 himself or herself or the state, or aid, counsel, advise,
3 consult or assist in representing any other person, in
4 connection with any judicial proceeding or other matter in
5 which the state is a party or has a direct and substantial
6 interest and in which the former public official or public
7 employee participated personally and substantially as a public
8 official or employee or which was within or under the public
9 official or public employee's official responsibility as an
10 official or employee. This prohibition shall extend to all
11 judicial proceedings or other matters in which the state is a
12 party or has a direct and substantial interest, whether
13 arising during or subsequent to the public official or public
14 employee's term of office or employment.

15 "~~(g)~~ (h) Nothing in this chapter shall be deemed to
16 limit the right of a public official or public employee to
17 publicly or privately express his or her support for or to
18 encourage others to support and contribute to any candidate,
19 political committee as defined in Section 17-22A-2,
20 referendum, ballot question, issue, or constitutional
21 amendment."

22 Section 2. This act shall become effective
23 immediately following its passage and approval by the
24 Governor, or its otherwise becoming law.

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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 02-MAY-17, as amended.

Jeff Woodard
Clerk

Senate

17-MAY-17

Passed