

1 HB605
2 118368-1
3 By Representative Wood
4 RFD: Judiciary
5 First Read: 23-FEB-10

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8 SYNOPSIS: This bill would exempt state certified
9 water and waste water treatment plant operators
10 from the revolving door provisions of the State
11 Ethics Law.

12
13 A BILL
14 TO BE ENTITLED
15 AN ACT

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17 To amend Section 36-25-13, Code of Alabama 1975,
18 relating to the prohibition of public officials or public
19 employees from serving in certain employment for two years
20 after leaving employment, to exempt state certified water and
21 waste water treatment plant operators from the revolving door
22 provisions of the State Ethics Law.

23 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

24 Section 1. Section 36-25-13, Code of Alabama 1975,
25 is amended to read as follows:

26 "§36-25-13.

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

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

18 "(c) No public official, director, assistant
19 director, department or division chief, purchasing or
20 procurement agent having the authority to make purchases, or
21 any person who participates in the negotiation or approval of
22 contracts, grants, or awards or any person who negotiates or
23 approves contracts, grants, or awards shall enter into,
24 solicit, or negotiate a contract, grant, or award with the
25 governmental agency of which the person was a member or
26 employee for a period of two years after he or she leaves the
27 membership or employment of such governmental agency.

1 "(d) No public official or public employee who
2 personally participates in the direct regulation, audit, or
3 investigation of a private business, corporation, partnership,
4 or individual shall within two years of his or her departure
5 from such employment solicit or accept employment with such
6 private business, corporation, partnership, or individual.

7 "(e) No former public official or public employee of
8 the state may, within two years after termination of office or
9 employment, act as attorney for any person other than himself
10 or herself or the state, or aid, counsel, advise, consult or
11 assist in representing any other person, in connection with
12 any judicial proceeding or other matter in which the state is
13 a party or has a direct and substantial interest and in which
14 the former public official or public employee participated
15 personally and substantially as a public official or employee
16 or which was within or under the public official or public
17 employee's official responsibility as an official or employee.
18 This prohibition shall extend to all judicial proceedings or
19 other matters in which the state is a party or has a direct
20 and substantial interest, whether arising during or subsequent
21 to the public official or public employee's term of office or
22 employment.

23 "(f) Nothing in this chapter shall be deemed to
24 limit the right of a public official or public employee to
25 publicly or privately express his or her support for or to
26 encourage others to support and contribute to any candidate,
27 political committee as defined in Section 17-22A-2,

1 referendum, ballot question, issue, or constitutional
2 amendment.

3 "(g) The provisions of this section do not apply to
4 state certified water and waste water treatment plant
5 operators, whether or not they retired from positions of
6 authority, if their reemployment is deemed beneficial by their
7 previous employer and if their reemployment is approved by the
8 governing body of the water or waste water system, the city
9 council, county commission, water works board, or sewer board,
10 as provided by law."

11 Section 2. This act shall become effective
12 immediately following its passage and approval by the
13 Governor, or its otherwise becoming law.