

1 HB514
2 129290-2
3 By Representatives Galliher and Nordgren
4 RFD: State Government
5 First Read: 14-APR-11

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ENROLLED, An Act,

To amend Section 41-16-60 of the Code of Alabama 1975, relating to prohibiting members or officers of certain public offices or positions from participating in the public competitive bid process; to provide that a member or officer having a financial interest in a publicly bid contract may participate in the public bid process if either the proposed contract was created before an individual begins serving in a public position, or the individual does not participate in the decision-making process regarding a proposed public contract.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 41-16-60 of the Code of Alabama 1975, is amended to read as follows:

"§41-16-60.

~~"No member or officer of the said Members and officers of the state trade schools, state junior colleges, state colleges and universities under the supervision and control of the State Board of Education, the city and county boards of education, the district boards of education of independent school districts, the county commissions and the governing bodies of the municipalities of the state and the governing boards of instrumentalities of counties and municipalities, including waterworks boards, sewer boards, gas boards and other like utility boards and commissions, shall~~

1 may be financially interested in or have any personal
2 beneficial interest, either directly or indirectly, in the
3 purchase of or contract for any personal property or
4 contractual service, ~~nor shall any person willfully make any~~
5 ~~purchase or award any contract in violation of the provisions~~
6 ~~of this article.~~ under either of the following conditions:

7 "(1) The contract or agreement under which the
8 financial interest arises was created prior to the election or
9 appointment of the individual to the position he or she holds.

10 "(2) The individual holding the position does not
11 participate in, by discussion or by vote, the decision-making
12 process which creates the financial or personal beneficial
13 interest.

14 ~~"Any violation of this section shall be deemed a~~
15 ~~misdemeanor, and any person who violates this section shall,~~
16 ~~upon conviction, be imprisoned for not more than 12 months or~~
17 ~~fined not more than \$500.00 or both. Upon conviction thereof,~~
18 ~~any person who willfully makes any purchase or awards any~~
19 ~~contract in violation of the provisions of this article shall~~
20 ~~be removed from office."~~

21 Section 2. This act shall become effective
22 immediately following its passage and approval by the
23 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 26-MAY-11.

Greg Pappas
Clerk

Senate	02-JUN-11	Amended and Passed
House	02-JUN-11	Concurred in Sen- ate Amendment