

1 183899-7 : n : 03/15/2017 : ETHICS & CAMPAIGN / jdt

2
3 HOUSE ETHICS AND CAMPAIGN FINANCE COMMITTEE SUBSTITUTE FOR
4 HB222

5
6
7
8
9 SYNOPSIS: Under existing law, a public employee may
10 not be rehired by his or her former public
11 employer, including a county or municipal employer,
12 for a period of two years after he or she leaves
13 the employment or working arrangement.

14 This bill would authorize a municipality to
15 rehire a retired law enforcement officer or
16 firefighter of the municipality at any time if
17 authorized by local law and upon notice to the
18 Director of the Ethics Commission.

19
20 A BILL
21 TO BE ENTITLED
22 AN ACT

23
24 To amend Section 36-25-13, as last amended by Act
25 2016-128, 2016 Regular Session, relating to ethics and public
26 employees, to authorize a municipality to rehire a retired law
27 enforcement officer or firefighter of the municipality at any

1 time if authorized by local law; and to require that notice be
2 given to the Director of the Ethics Commission.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. Section 36-25-13, as last amended by Act
5 2016-128, 2016 Regular Session, is amended to read as follows:

6 "§36-25-13.

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

16 "(b) Notwithstanding the provisions of subsection
17 (a), no public official elected to a term of office shall
18 serve for a fee as a lobbyist or otherwise represent clients,
19 including his or her employer, before the board, agency,
20 commission, department, or legislative body of which he or she
21 is a former member for a period of two years following the
22 term of office for which he or she was elected, irrespective
23 of whether the member left the office prior to the expiration
24 of the term to which he or she was elected. For the purposes
25 of this subsection, such prohibition shall not include a
26 former member of the Alabama judiciary who as an attorney
27 represents a client in a legal, non-lobbying capacity.

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

12 "(d) Except as specifically set out in this section,
13 no public official, director, assistant director, department
14 or division chief, purchasing or procurement agent having the
15 authority to make purchases, or any person who participates in
16 the negotiation or approval of contracts, grants, or awards or
17 any person who negotiates or approves contracts, grants, or
18 awards shall enter into, solicit, or negotiate a contract,
19 grant, or award with the governmental agency of which the
20 person was a member or employee for a period of two years
21 after he or she leaves the membership or employment of such
22 governmental agency. Notwithstanding the prohibition in this
23 subsection a person serving full-time as the director or a
24 department or division chief who has retired from a
25 governmental agency may enter into a contract with the
26 governmental agency of which the person was an employee for
27 the specific purpose of providing assistance to the

1 governmental agency during the transitional period following
2 retirement, but only if all of the following conditions are
3 met:

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

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

8 "(3) The compensation paid to the retiree through
9 the contract, when combined with the monthly retirement
10 compensation paid to the retiree, does not exceed the gross
11 monthly compensation paid to the retiree on the date of
12 retirement.

13 "(4) The contract is submitted to and approved by
14 the Director of the Ethics Commission as satisfying the above
15 conditions prior to the date the retiree begins work under the
16 contract.

17 "(e) Notwithstanding subsection (d), a municipality
18 may rehire a retired law enforcement officer or a retired
19 firefighter formerly employed by the municipality at any time
20 to provide public safety services if all of the following
21 conditions are satisfied:

22 "(1) A local law is enacted authorizing the rehire
23 of retired law enforcement officers or firefighters formerly
24 employed by the municipality.

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

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

5 "~~(e)~~ (f) No public official or public employee who
6 personally participates in the direct regulation, audit, or
7 investigation of a private business, corporation, partnership,
8 or individual shall within two years of his or her departure
9 from such employment solicit or accept employment with such
10 private business, corporation, partnership, or individual.

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

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

8 Section 2. This act shall become effective
9 immediately following its passage and approval by the
10 Governor, or its otherwise becoming law.