

2
3 HOUSE ETHICS AND CAMPAIGN FINANCE COMMITTEE AMENDMENT #2 TO
4 HB105

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9 On page 4, line 20, after "Sections" insert the
10 following:

11 11-3-5,

12
13 On page 33, delete lines 16 through 22 and insert in
14 lieu thereof the following:

15 "(10) When in ~~its~~ the commission's opinion a
16 thorough audit ~~of any person or any business should be made of~~
17 a governmental body should be conducted in order to determine
18 whether this chapter has been violated, ~~the commission shall~~
19 direct the Department of Examiners ~~Examiner~~ of Public Accounts
20 to have an audit made and a report ~~thereof~~ filed with the
21 commission, provided the department has such audit authority
22 under 5A of Title 41. The Examiner of Public Accounts, upon
23 receipt of the directive, shall comply therewith.

24
25 Beginning on page 36, line 25 and continuing through
26 page 37, line 5, delete all the language and insert in lieu
27 thereof the following:

1 "(10) When in ~~its~~ the commission's opinion a
2 thorough audit ~~of any person or any business should be made of~~
3 a governmental body should be conducted in order to determine
4 whether the Fair Campaign Practices Act has been violated, ~~the~~
5 ~~commission shall~~ direct the Department of Examiners ~~Examiner~~
6 of Public Accounts to have an audit made and a report ~~thereof~~
7 filed with the commission, provided the department has such
8 audit authority under 5A of Title 41. The Examiner of Public
9 Accounts, upon receipt of the directive, shall comply
10 therewith.

11
12 On page 41, line 7, strike "charges" and insert
13 thereafter the following:

14 complaint

15
16 On page 45, line 14, after "vote" insert the
17 following:

18 by a majority of members of the commission

19
20 On page 46, line 5, after "vote" insert the
21 following:

22 by a majority of members of the commission

23
24 On page 51, line 16, after "any" insert the
25 following:

26 state

1 On page 56, lines 14 and 21, delete "an
2 irreconcilable" in both instances and insert in lieu thereof
3 the following:

4 a

5
6 On page 56, line 24, delete "employment or
7 partnership" and insert in lieu thereof the following:

8 business relationship

9
10 On page 56, line 25, delete "with" and insert in
11 lieu thereof the following:

12 that, due to the nature of the business, there is a
13 reasonable likelihood that the business may have

14
15 On page 63, line 14, after "(c)" insert the
16 following:

17 (1)

18
19 On page 63, delete lines 21 and 22 and insert in
20 lieu thereof the following:

21 after the contract has been executed.

22 "(2) Subdivision (1) does not apply to any contract
23 awarded through competitive bid laws; provided, however, this
24 subsection does not affect any duty or prohibition set forth
25 in Section 11-3-5.

1 On page 68, line 3, after "(d)" insert the
2 following:

3 (1)

4
5 On page 68, line 6, after "services," insert the
6 following:

7 or a member of the governing body of any county or
8 municipality,

9
10 On page 68, line 8, after "negotiate" insert the
11 following:

12 , and may not represent a business that seeks to
13 enter into, solicit, or negotiate,

14
15 On page 68, after line 10, insert the following:

16 "(2) Notwithstanding subdivision (1), an individual
17 who has retired after serving full-time as the director or a
18 department or division chief of a governmental body may enter
19 into a contract with the governmental body of which the
20 individual was an employee for the specific purpose of
21 providing assistance to the governmental body during the
22 transitional period following retirement, but only if all of
23 the following conditions are met:

24 "a. The contract does not extend for more than three
25 months following the date of retirement.

26 "b. The retiree is at all times in compliance with
27 Section 36-27-8.2.

1 "c. The compensation paid to the retiree through the
2 contract, when combined with the monthly retirement
3 compensation paid to the retiree, does not exceed the gross
4 monthly compensation paid to the retiree on the date of
5 retirement.

6 "d. The contract is submitted to and approved by the
7 director of the commission as satisfying the conditions in
8 this subdivision prior to the date the retiree begins work
9 under the contract.

10
11 On page 82, delete lines 3 through 5 and insert in
12 lieu thereof the following:

13 ~~to his or her attention~~ The head of every
14 governmental body who is notified in his or her official
15 capacity which constitute of any matter that constitutes a
16 violation of this chapter shall

17
18 On page 97, after line 3, insert a new Section 2 as
19 follows and renumber the remaining sections accordingly:

20 Section 2. Section 11-3-5, Code of Alabama 1975, is
21 amended to read as follows:

22 "§11-3-5.

23 ~~"(a) Except where a contract for goods or services~~
24 ~~is competitively bid regardless of whether bidding is required~~
25 ~~under Alabama's competitive bid law, no~~ No member of any
26 county commission, no family member of a county commissioner,
27 ~~and no business with which any county commissioner is~~

1 associated business of a county commissioner shall be a party
2 to any contract for goods or services with the county
3 commission on which he or she serves, unless the contract is
4 competitively bid, regardless of whether bidding is required
5 under the competitive bid laws of this state. ~~Except where a~~
6 ~~contract for goods or services is competitively bid regardless~~
7 ~~of whether bidding is required under Alabama's competitive bid~~
8 ~~law, no county commission shall award any contract to a family~~
9 ~~member of a county commissioner.~~ Under no circumstances shall
10 a county commissioner participate in the bid preparation or
11 review of a bid received from the county commissioner, ~~a~~
12 ~~business with which he or she is associated, or a family~~
13 ~~member of the county commissioner, or an associated business~~
14 of the county commissioner, and a county commissioner shall
15 not deliberate or vote on acceptance of a bid submitted by the
16 county commissioner, ~~a business with which he or she is~~
17 ~~associated, or a family member of the county commissioner, or~~
18 an associated business of the county commissioner.

19 " (b) No county commissioner shall employ a family
20 member to do any work for the county; provided, however, the
21 family member of a county commissioner may be employed by the
22 county if the family member is hired pursuant to a county
23 personnel policy that does not require a vote of the county
24 commission or if the county commissioner does not participate
25 in the hiring process through recommendation, deliberation,
26 vote, or otherwise.

1 "(c) Any county commissioner in violation of this
2 section shall be guilty of a Class A misdemeanor.

3 "~~In compliance with Section 36-25-11, any~~ Any
4 ~~contract executed with a member of the county commission or~~
5 ~~with a business with which a county commissioner is associated~~
6 ~~shall be filed with the Ethics Commission within 10 days after~~
7 ~~the contract has been executed~~ by a county with a county
8 commissioner, a family member of a county commissioner, or
9 with an associated business of a county commissioner as
10 authorized under this section shall comply with the
11 notification requirements in subsection (c) of Section
12 36-25-11.

13 "(e) Any contract executed in violation of this
14 section shall be void by operation of law and any ~~person~~
15 individual employed by the county in violation of this section
16 shall forfeit his or her employment by operation of law.

17 "(f) For the purposes of this section, ~~the~~
18 ~~definition of family member shall be the same as the~~
19 ~~definition in subdivision (15) of Section 36-25-1 for the~~
20 ~~family member of a public official~~ the terms "family member"
21 and "associated business" shall have the same meanings as
22 defined in Section 36-25-1."