

1 HB222
2 181601-1
3 By Representative Treadaway
4 RFD: Ethics and Campaign Finance
5 First Read: 14-FEB-17

2
3
4
5
6
7
8 SYNOPSIS: Under existing law, a public employee may
9 not be rehired by his or her former public
10 employer, including a county or municipal employer,
11 for a period of two years after he or she leaves
12 the employment or working arrangement.

13 This bill would authorize a municipality to
14 rehire a retired law enforcement officer or
15 firefighter of the municipality at any time if
16 authorized by local law.

17
18 A BILL
19 TO BE ENTITLED
20 AN ACT

21
22 To amend Section 36-25-13, as last amended by Act
23 2016-128, 2016 Regular Session, relating to ethics and public
24 employees, to authorize a municipality to rehire a retired law
25 enforcement officer or firefighter of the municipality at any
26 time if authorized by local law.

27 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. Section 36-25-13, as last amended by Act
2 2016-128, 2016 Regular Session, is amended to read as follows:

3 "§36-25-13.

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

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

25 "(c) (1) No Except as provided in subdivision (2), no
26 public employee shall serve for a fee as a lobbyist or
27 otherwise represent clients, including his or her employer

1 before the board, agency, commission, or department, of which
2 he or she is a former employee or worked pursuant to an
3 arrangement such as a consulting agreement, agency transfer,
4 loan, or similar agreement for a period of two years after he
5 or she leaves such employment or working arrangement. For the
6 purposes of this subsection, such prohibition shall not
7 include a former employee of the Alabama judiciary who as an
8 attorney represents a client in a legal, non-lobbying
9 capacity.

10 "(2) Notwithstanding subdivision (1) and if
11 authorized by local law, a municipality may rehire a retired
12 law enforcement officer or a retired firefighter formerly
13 employed by the municipality at any time to provide public
14 safety services.

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

1 governmental agency may enter into a contract with the
2 governmental agency of which the person was an employee for
3 the specific purpose of providing assistance to the
4 governmental agency during the transitional period following
5 retirement, but only if all of the following conditions are
6 met:

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

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

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

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

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

26 "(f) No former public official or public employee of
27 the state may, within two years after termination of office or

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

15 "(g) 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.