

1 HB199
2 156244-1
3 By Representative Long
4 RFD: County and Municipal Government
5 First Read: 14-JAN-14

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8 SYNOPSIS: This bill would prohibit county and
9 municipal public officials and associated firms or
10 businesses from providing services under a personal
11 or professional services contract to other county
12 or municipal entities, with certain exceptions.

13 This bill would authorize the district
14 attorney to enforce the act. In the event of a
15 conflict with the district attorney, the bill would
16 authorize the Attorney General to enforce the act.

17
18 A BILL
19 TO BE ENTITLED
20 AN ACT

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22 Relating to conflicts of interest; to define terms;
23 to prohibit public officials of a county or municipality, as
24 defined, and associated firms or businesses from providing
25 services under a personal or professional services contract to
26 other entities of the county, municipality, or other

1 municipalities in the county; to provide exceptions; to
2 provide for the enforcement of the act.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. (a) For the purposes of this section, the
5 following terms shall have the following meanings:

6 (1) PROFESSIONAL SERVICES. Any type of service that
7 may lawfully be performed only pursuant to a license issued by
8 a state licensing board or other similar agency pursuant to
9 state law.

10 (2) PUBLIC OFFICIAL OF A COUNTY. With respect to a
11 particular county, a person elected to public office by the
12 vote of the people of the county, any person appointed to a
13 position at the county level of government or its
14 instrumentalities, including governmental corporations, and
15 any member of the Legislature representing any portion of the
16 county.

17 (3) PUBLIC OFFICIAL OF A MUNICIPALITY. Any person
18 elected to public office by the vote of the people of a
19 municipality or any person appointed to a position at the
20 municipal level of government or its instrumentalities,
21 including governmental corporations.

22 (a) (1) Except as provided in subsection (b), during
23 his or her term of office, a public official of a county or a
24 firm or business entity in which the public official is
25 associated, may not provide services under a personal or
26 professional services contract paid for by a department,

1 agency, council, board, commission, or other entity of the
2 county or any municipality located therein.

3 (2) Except as provided in subsection (b), during his
4 or her term of office, a public official of a municipality, or
5 a firm or business entity in which the public official is
6 associated, may not provide services under a personal or
7 professional services contract paid for by a department,
8 agency, council, board, commission, or other entity of the
9 municipality, the county in which the municipality is located,
10 or any other municipality located in the county.

11 (b) A public official may provide legal services to
12 a department, agency, council, board, commission, or other
13 entity of the county or municipality in which he or she was
14 elected or appointed to serve if the public official is
15 appointed by any court or any district attorney in this state
16 on a temporary, case-by-case, contract, or part-time basis.

17 (c) The district attorney in the county in which the
18 public official is elected or appointed to serve shall enforce
19 this section; however, if a conflict under this section
20 involves the office of the district attorney, the Attorney
21 General shall enforce this section.

22 (d) This act shall not apply to contracts executed
23 or renewed prior to the effective date of this act.

24 Section 2. This act shall become effective on the
25 first day of the third month following its passage and
26 approval by the Governor, or its otherwise becoming law.